ARC 8357B

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)*"b."*

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.105A as amended by 2009 Iowa Acts, House File 314, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 70, "Lead-Based Paint Activities," Iowa Administrative Code.

Iowa Code section 135.105A directs the Department to establish a program for the training and certification of lead inspectors and lead abaters and states that a person shall not perform lead abatement or lead inspections unless the person has completed a training program approved by the Department and has obtained certification. Property owners are required to be certified only if the property in which they will perform lead inspections or lead abatement is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. A person may be certified as both a lead inspector and a lead abater. However, a person who is certified as both shall not provide both lead inspection and lead abatement services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

The Department was required to obtain authorization from the U.S. Environmental Protection Agency (EPA) for the Department's program to train and certify lead inspectors and abaters. The Department obtained this authorization from EPA on July 13, 1999.

Iowa Code section 135.105A as amended by 2009 Iowa Acts, House File 314, directs the Department to establish a program for the training and certification of those who perform renovation as lead-safe renovators.

The proposed amendments make a number of changes to incorporate guidance issued by the Department and the federal government and to incorporate material that is covered in approved training programs. In addition, the Department has made changes to its administrative enforcement procedures. Finally, the Department has added provisions to implement the mandates of 2009 Iowa Acts, House File 314.

The Department has added definitions for "certified lead-safe renovator," "cleaning verification card," "dry disposable cleaning cloth," "dry sanding," "dry scraping," "emergency renovation," "HEPA vacuum," "HEPA exhaust control," "housing for the elderly," "lead-based paint hazard reduction activity," "minor repair and maintenance activities," "painted component," "paint sample," "postrenovation cleaning verification," "recognized test kit," "reevaluation," "renovation," "wet disposable cleaning cloth," "wet sanding," "wet scraping," "wet mopping system," "windowsill," and "worksite" or "work area." The definitions of "certified firm," "certified lead professional," "child-occupied facility," "clearance level," "clearance testing," "containment," "discipline," "firm," "lead abatement," "lead-based paint activities," "lead professional," "lead-safe work practices," "NIST 1.02 standard film," "paint testing," "standard treatments," and "training program" have been modified. The definitions of "lead-safe work practices contractor" and "registered lead-safe work practices contractor" have been deleted.

Work practice standards for conducting reevaluation and renovation have been added. The work practice standards for conducting lead inspections, elevated blood lead (EBL) inspections, risk assessments, lead hazard screens, lead abatement, and clearance testing have been modified. The content of training courses for lead inspector/risk assessors, elevated blood lead (EBL) inspector/risk assessors, sampling technicians, lead abatement contractors, and lead abatement workers has been modified to clarify course content and administrative procedures for courses as well to incorporate

content regarding work practice standards for conducting renovation. The fee for certification of individuals has been increased from $50 per year to $60 per year.

The new definitions, modified definitions, modifications to work practice standards, and other clarifications are not substantive changes because they have all been included in guidance documents issued by the Department and the federal government and have been covered in the courses that individuals must take to become certified lead professionals. These items have been changed in Chapter 70 to allow certified lead professionals to find in one place all of the information that they need to comply with Iowa rules. Also, the revisions to the administrative enforcement procedures in Chapter 70 are not substantive changes.

The requirement that persons and firms performing renovation be certified by the Department and the addition of work practice standards for renovation are substantive changes. The Department has added these provisions to Chapter 70 because they are mandated by 2009 Iowa Acts, House File 314, and because the Department must add these provisions to maintain authorization from the EPA for its lead-based paint activities training and certification program. EPA regulations require persons and firms conducting renovation to be certified by April 22, 2010, which is the date included in these amendments. Through this Notice of Intended Action, the Department gives notice of its intention to seek EPA authorization for these provisions to certify those who perform renovation and to mandate work practice standards for renovation.

The Department has determined that these rules are not subject to waiver or variance because Iowa's program must be as protective as the EPA regulations, which do not allow variances or waivers.

Consideration will be given to all written comments received on or before December 22, 2009. Such written materials should be sent to the Lead Poisoning Prevention Program, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319; E-mail to rgergely@idph.state.ia.us; fax (515)281-4529.

Also, there will be a public hearing on December 22, 2009, at 10 a.m. over the Iowa Communications Network (ICN) at which time persons may present their views. The sites for the public hearing are as follows:

Atlantic Public Library
507 Poplar
Atlantic

Great Prairie Area Education Agency Regional Office
3601 West Ave.
Burlington

DMACC – Carroll Campus
906 North Grant Rd., Room 144
Carroll

Department of Human Services
411 3rd St. SE
5th Floor, Room 550
Cedar Rapids

Centerville National Guard Armory
Dewey Road, RR 1
Centerville

Chariton High School
501 N. Grand, Room 116
Chariton

Clinton Community College
1000 Lincoln Blvd., Room 105
Clinton

Keystone Area Education Agency 1
2310 Chaney Rd., Room 2
Dubuque

Fort Dodge Public Library
424 Central Ave.
Fort Dodge

Area Education Agency 267 Regional Office
909 S. 12th St.
Marshalltown

North Iowa Area Community College – 1
500 College Dr.
Activity Center, Room 106
Mason City

Muscatine Community College
152 Colorado St.
Larson Hall, Room 60
Muscatine

Onawa-West Monona Jr.-Sr. High School
1314 15th St.
Onawa

Orange City Public Library
112 Albany Ave. SE
Rieckhoff Room
Orange City

Colo-Nesco Senior High School
Box 215, 919 West St.
Colo

Loess Hills Area Education Agency 13
24997 Hwy. 92
Council Bluffs

Green Valley Area Education Agency 14
1405 N. Lincoln, Turner Room
Creston

Kimberly Center
1002 W. Kimberly, Room 119
Davenport

Decorah High School
100 East Claiborne Dr.
Decorah

Department of Public Health
Lucas State Office Building
321 E. 12th St., 6th Floor
Des Moines

Great Prairie Area Education Agency – 1
2814 N. Court St.
Ottumwa

Southwestern Community College – 1
2300 N. 4th St.
Red Oak Center, Room 116
Red Oak

Northwest Area Education Agency
1520 Morningside Ave., Room 206
Sioux City

Iowa Lakes Community College
1900 N. Grand Ave.
Spencer Attendance Center, Fiber Optic Rm. 118
Spencer

Hawkeye Community College – 1
1501 E. Orange Rd.
Tama Hall, Room 110
Waterloo

These amendments are intended to implement Iowa Code section 135.105A as amended by 2009 Iowa Acts, House File 314.

The following amendments are proposed.

ITEM 1. Amend rule 641—70.1(135) as follows:

641—70.1(135) Applicability. ~~Prior to March 1, 2000, this chapter applied to all persons who were certified lead professionals in Iowa. Beginning March 1, 2000, this~~ This chapter applies to all persons who are lead professionals in Iowa, all firms that perform lead professional activities in Iowa, and training providers that offer training for lead professionals. ~~Beginning July 1, 2004, this chapter also applies to agencies that provide lead-safe work practices training programs in Iowa and to those who are registered lead-safe work practices contractors in Iowa.~~ This chapter requires lead professionals and firms to be certified and establishes specific requirements for how ~~to perform~~ lead-based paint activities must be performed if a property owner, manager, or occupant chooses to undertake them. However, nothing in this chapter requires a property owner, manager, or occupant to undertake any particular lead-based paint activity. This chapter also provides for the approval of ~~lead-safe work practices courses and the voluntary registration of lead-safe work practices contractors~~ courses that provide training for lead professionals.

ITEM 2. Amend the following definitions in rule **641—70.2(135)**:

"Certified firm" means a firm that employs certified lead professionals and has met the requirements of 641—70.7(135) for certification and has been certified by the department.

"Certified lead professional" means a person who has been certified by the department as a lead inspector/risk assessor, elevated blood lead (EBL) inspector/risk assessor, lead abatement contractor, lead abatement worker, project designer, ~~or~~ sampling technician, or lead-safe renovator.

"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, that is described by all of the following: (1) The building is visited on a regular basis by the same child, who is ~~under the age of~~ less than six years of age, on at least two different days within any week ~~(Sunday through Saturday period, provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours)~~. For purposes of this chapter, a week is a Sunday through Saturday period. (2) Each day's visit by the child lasts at least three hours, and the combined annual visits total at least 60 hours. A child-occupied facility ~~Child-occupied facilities~~ may include, but ~~are~~ is not limited to~~,~~

~~day-care centers, preschools and kindergarten classrooms~~ a child care center, preschool, or kindergarten classroom. A child-occupied facility also includes common areas that are routinely used by children who are less than six years of age, such as restrooms and cafeterias, and the exterior walls and adjoining space of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under the age of six years. "Child-occupied facility" also includes any building where lead-based paint activities are conducted immediately prior to or during the conversion of the building to a child-occupied facility.

"Clearance level" means the value at which the amount of lead in dust on a surface following completion of interim controls, lead abatement, paint stabilization, standard treatments, ongoing lead-based paint maintenance, ~~or~~ rehabilitation, or renovation is a dust-lead hazard and fails clearance testing. The clearance level for a single-surface dust sample from a floor is greater than or equal to 40 micrograms per square foot. The clearance level for a single-surface dust sample from an interior windowsill is greater than or equal to 250 micrograms per square foot. The clearance level for a single-surface dust sample from a window trough is greater than or equal to 400 micrograms per square foot.

"Clearance testing" means an activity conducted following interim controls, lead abatement, paint stabilization, standard treatments, ongoing lead-based paint maintenance, ~~or~~ rehabilitation, or renovation to determine that the hazard reduction activities are complete. Clearance testing includes a visual assessment, the collection and analysis of environmental samples, the interpretation of sampling results, and the preparation of a report.

"Containment" means a ~~process~~ system of temporary barriers to protect workers, residents, and the environment by controlling exposures to the dust-lead hazards and debris created during renovation or lead abatement.

"Discipline" means one of the specific types or categories of lead-based paint activities identified in this chapter for which individuals may receive training from approved courses and become certified by the department. For example, "lead inspector/risk assessor" is a discipline, and "lead-safe renovator" is a discipline.

"Firm" means a company, partnership, corporation, sole proprietorship, individual doing business, association, or other business entity; a federal, state, tribal, or local government agency; or a nonprofit organization that performs or offers to perform lead-based paint activities.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards in a residential dwelling or child-occupied facility. Lead abatement includes, but is not limited to, (1) the removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of soil-lead hazards and (2) all preparation, cleanup, disposal, repainting or refinishing, and postabatement clearance testing activities associated with such measures. "Lead abatement" specifically includes projects for which there is a written contract or other documentation, which provides that an individual will be conducting lead abatement in or around a residential dwelling or child-occupied facility.

In addition, "lead abatement" includes, but is not limited to, (1) projects for which there is a written contract or other document, which provides that an individual will be conducting activities in or to a residential dwelling or child-occupied facility that shall result in or are designed to permanently eliminate lead-based paint hazards, (2) projects resulting in the permanent elimination of lead-based paint hazards that are conducted by firms or individuals certified under 641—70.5(135), (3) projects resulting in the permanent elimination of lead-based paint hazards that are conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-~~based paint~~ abatement, and (4) projects resulting in the permanent elimination of lead-based paint that are conducted in response to a lead abatement order. However, in the case of items (1) through (4) of this definition, "lead abatement" does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction

or elimination of lead-based paint hazards. Furthermore, "lead abatement" does not include interim controls, operations and maintenance activities, renovation, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

"Lead-based paint activities" means, in the case of target housing and child-occupied facilities, lead-free inspection, lead inspection, elevated blood lead (EBL) inspection, lead hazard screen, risk assessment, lead abatement, visual risk assessment, clearance testing conducted after lead abatement, clearance testing conducted after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR 35.1340, and ~~lead-safe work practices~~ renovation.

"Lead professional" means a person who conducts lead abatement, renovation, lead inspections, elevated blood lead (EBL) inspections, lead hazard screens, risk assessments, visual risk assessments, clearance testing after lead abatement, or clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR 35.1340.

"Lead-safe work practices" means methods that are used to minimize hazards when conducting renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation.

"NIST 1.02 standard film" means the National Institute of Standards and Technology 1.02 milligrams of lead per square centimeter standard reference material. If the specific 1.02 milligrams of lead per square centimeter standard is not available from NIST, then the inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the closest available standard from NIST (1.0X).

"Paint testing" means the process of determining~~, by a certified lead inspector/risk assessor or certified elevated blood lead(EBL) inspector/risk assessor,~~ the presence or the absence of lead-based paint on ~~deteriorated paint surfaces or painted surfaces to be disturbed or replaced pursuant to 24 CFR Part 35~~ a specific component or surface. Paint testing shall only be conducted by certified lead inspector/risk assessors or certified elevated blood lead (EBL) inspector/risk assessors using approved methods for testing. Approved methods for paint testing are XRF analysis and laboratory analysis.

"Standard treatments" means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a residential dwelling without the benefit of a risk assessment or other evaluation pursuant to 24 CFR 35.1335. Standard treatments consist of the stabilization of all deteriorated interior and exterior paint, the provision of smooth and cleanable horizontal hard surfaces, the correction of dust-generating conditions (i.e., conditions causing rubbing, binding, or crushing of surfaces known to or presumed to be coated with lead-based paint), and the treatment of ~~base~~ bare soil to control known or presumed soil-lead hazards.

"Training program" means a person or organization sponsoring a lead professional training ~~course~~ course(s).

ITEM 3. Adopt the following **new** definitions in rule **641—70.2(135)**:

"Certified lead-safe renovator" means a person who has met the requirements of 641—70.5(135) for certification and who has been certified by the department.

"Cleaning verification card" means a card developed and distributed, or otherwise approved, by the U.S. Environmental Protection Agency (EPA) for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether postrenovation cleaning has been properly completed.

"Dry disposable cleaning cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or countertops.

"Dry sanding" means sanding a surface that is partially coated with paint or other surface coating without moisture and includes hand and mechanical methods of sanding.

"Dry scraping" means scraping a surface that is partially coated with paint or other surface coating without moisture and includes hand and mechanical methods of scraping.

"Emergency renovation" means renovation, remodeling, or repainting activities necessitated by nonroutine failures of equipment or of a structure that were not planned but resulted from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or threatens equipment or property with significant damage. "Emergency renovation" includes interim controls, renovation, remodeling, or repainting activities that are conducted in response to an elevated blood lead (EBL) inspection.

"HEPA exhaust control" means a HEPA vacuum attached to the machine in such a manner that it captures the air, dust, and debris disturbed by the machine.

"HEPA vacuum" means a vacuum cleaner which has been designed, operated, and maintained with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97 percent efficiency. The vacuum cleaner must be designed, operated, and maintained so that all of the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. A vacuum must have sufficient suction to capture the dust that must be collected. A vacuum that complies with ANSI/IESO Standard 4310-2009 for Portable High Efficiency Air Filtration Device Field Testing and Validation Standard as a Class 3, 4, or 5 device is considered a HEPA vacuum.

"Housing for the elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or older or an age recognized as elderly by a specific federal housing assistance program.

"Lead-based paint hazard reduction activity" means an activity that permanently or temporarily reduces or eliminates lead-based paint hazards. "Lead-based paint hazard reduction activity" includes lead abatement, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, rehabilitation, or renovation.

"Minor repair and maintenance activities" means activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt less than 0.1 square feet of a painted surface where none of the work practices prohibited or restricted by this chapter are used and where the work does not involve window replacement or demolition of painted surface areas. When painted components or portions of painted components are removed, the entire surface area removed is the amount of painted surface disturbed. Projects, other than emergency renovation, performed in the same room within the same 30 days must be considered the same project for the purpose of determining whether the project is a minor repair and maintenance activity.

"Painted component" means a component or building component that is at least partially covered with paint or other surface coating.

"Paint sample" means a sample collected in a representative location using ASTM E1729, "Standard Practice for Field Collection of Dried Paint Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method.

"Postrenovation cleaning verification" means the use of a wet or dry disposable cleaning cloth to wipe the interior windowsill, uncarpeted floor and countertops of the renovation work area and compare them to a cleaning verification card to determine if the work area has been adequately cleaned.

"Recognized test kit" means a commercially available kit recognized by the EPA under 40 CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5 percent by weight, in a paint chip, paint, powder, or painted surface.

"Reevaluation" means a visual assessment of painted surfaces and limited dust and soil sampling conducted periodically following a lead-based paint hazard reduction activity where lead-based paint is still present and the provision of a written report explaining the results of the reevaluation.

"Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of lead abatement as defined by this chapter. The term "renovation" includes, but is not limited to the removal, modification, or repair of painted surfaces or painted components such as modification of painted doors, surface restoration, and window repair; surface preparation activity such as sanding, scraping, or other such activities that may generate paint dust; the partial or complete removal of building components such as walls, ceilings, and

windows; weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics and planing thresholds to install weatherstripping; and interim controls that disturb painted surfaces. Renovation does not include minor repair and maintenance activities.

"Wet disposable cleaning cloth" means a commercially available, premoistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or countertops.

"Wet mopping system" means a device with the following characteristics: a long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficiency.

"Wet sanding" means a process of removing loose paint in which a surface that is partially coated with paint or other surface coating is kept wet or moist during sanding to minimize the dispersal of paint chips and airborne dust.

"Wet scraping" means a process of removing loose paint in which a surface that is partially coated with paint or other surface coating is kept wet or moist during scraping to minimize the dispersal of paint chips and airborne dust.

"Windowsill" means the portion of the horizontal window ledge that protrudes into the interior of the room when the window is closed.

"Worksite" or *"work area"* means an interior or exterior area where lead-based paint hazard reduction activity or renovation takes place. There may be more than one worksite in a dwelling unit or at a residential property.

ITEM 4. Rescind the definitions of "Lead-safe work practices contractor" and "Registered lead-safe work practices contractor" in rule **641—70.2(135)**.

ITEM 5. Amend rule 641—70.3(135) as follows:

641—70.3(135) ~~Certification~~ Lead professional certification. ~~Prior to March 1, 2000, lead professionals could be certified by the department. Beginning March 1, 2000, a~~ A person or a firm shall not conduct lead abatement, clearance testing after lead abatement, lead-free inspections, lead inspections, elevated blood lead (EBL) inspections, lead hazard screens, risk assessments, ~~and~~ visual risk assessments, or clearance testing after renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340 unless the person or firm has been certified by the department in the appropriate discipline. Beginning April 22, 2010, a person or firm shall not conduct renovation unless the person or firm has been certified by the department in the appropriate discipline. However, persons who perform these activities within residential dwellings that they own are not required to be certified, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while these activities are being performed. In addition, elevated blood lead (EBL) inspections shall be conducted only by certified elevated blood lead (EBL) inspector/risk assessors employed by or under contract with a certified elevated blood lead (EBL) inspection agency. In addition, persons who perform renovation under the supervision of a certified lead-safe renovator, certified lead abatement contractor, or certified lead abatement worker and who have completed on the job training are not required to be certified. ~~Beginning September 15, 2000, clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340 shall be conducted only by certified sampling technicians, certified lead inspector/risk assessors, or certified elevated blood lead (EBL) inspector/risk assessors.~~ Lead professionals and firms shall not state that they have been certified by the state of Iowa unless they have met the requirements of 641—70.5(135) and been issued a current certificate by the department. ~~Prior to March 1, 2000, elevated blood lead (EBL) inspection agencies could be certified by the department. Beginning March 1, 2000, elevated~~ Elevated blood lead (EBL) inspection agencies must be certified by the department. Elevated blood lead (EBL) inspection agencies shall not state that they have been certified by the state of Iowa unless they have met the requirements of 641—70.5(135) and been issued a current certificate by the department.

ITEM 6. Amend rule 641—70.4(135) as follows:

641—70.4(135) Course approval and standards. ~~Prior to March 1, 1999, lead professional training courses for initial certification and refresher training could be approved by the department. Beginning March 1, 1999,~~ All lead professional training courses for initial certification and refresher training must be approved by the department. Training programs shall not state that they have been approved by the state of Iowa unless they have met the requirements of 641—70.4(135) and been issued a letter of approval by the department. Lead-safe work practices training programs that were approved by the department prior to January 13, 2010, must reapply for approval.

70.4(1) Training courses shall meet the following requirements:

a. The training program offering the course shall employ a training manager who has the following qualifications:

(1) No change.

(2) Demonstrated experience, education, or training in lead professional activities, including lead inspection, lead abatement, lead-safe work practices, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

b. The training manager shall designate a qualified principal instructor for each course who has the following qualifications:

(1) No change.

(2) Certification as a lead inspector/risk assessor, elevated blood lead (EBL) inspector/risk assessor, or lead abatement contractor. In the case of a course for training lead-safe renovators, the principal instructor may be certified as a sampling technician.

(3) Demonstrated experience, education, or training in lead professional activities, including lead inspection, lead abatement, lead-safe work practices, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

c. and *d.* No change.

e. The training manager shall maintain the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in subrules 70.4(3) to ~~70.4(16)~~ 70.4(17).

f. No change.

g. The course test shall be developed in accordance with the test blueprint submitted with the course approval application. Training programs may use course tests developed by the department.

h. The training program shall issue unique course completion certificates to each individual who passes the course. The course completion certificate shall be issued in color. The course completion certificate shall include:

(1) The name and address of the individual, a photograph of the individual, and a unique identification number.

(2) to (5) No change.

i. The training manager shall develop and implement a quality control ~~program~~ plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

(1) No change.

(2) Procedures for the training manager to conduct an annual review of the competency of the principal instructor and all other instructors.

j. to *m.* No change.

n. The training program shall maintain, and make available to the department, upon request, the following records:

(1) to (5) No change.

(6) A file for each student who has completed a course. Each student file shall contain the following:

1. to 4. No change.

5. A photograph of the student as taken by the training program.

(7) A file for each individual course that has been offered. Each file shall include the following:

1. to 3. No change.

4. A paper or electronic copy of the curriculum used for the course.

5. to 7. No change.

(8) No change.

o. and *p.* No change.

q. A training program shall notify the department in writing at least ~~30~~ 14 days in advance of offering an approved course. The notification shall include the date(s), time(s), and location(s) where the approved course will be held. A training program shall notify the department at least 24 hours in advance of canceling an approved course.

r. The training program shall take a digital photograph of each student. The digital photograph shall be the same photograph that appears on the training certificate and is submitted to the department. The photograph shall meet the following specifications:

(1) The individual shall be facing the camera.

(2) The individual's head shall not be tilted.

(3) The individual's head shall cover approximately half of the photo area.

(4) The individual shall be in front of a neutral or light-colored background.

(5) The individual shall not wear any items that detract from the face, such as hats or sunglasses. Only head coverings worn for religious reasons may be worn. Religious head coverings may not cover the face of the individual.

(6) Photographs shall be 24-bit color depth.

~~*r.*~~ *s.* A training program shall provide the following information to the department electronically in a format specified by the department within 30 days of the conclusion of an approved course for each student who has taken the approved course:

(1) to (3) No change.

(4) The electronic photograph of each student as taken by the training program.

70.4(2) If a training program desires approval of a course by the department, the training program shall apply to the department for approval of the course at least 90 days before the initial offering of the course if the training program will use materials developed by the training program. If the training program will use materials developed by the department, the training program shall apply to the department for approval of the course at least 30 days before the initial offering of the course. The application shall include:

a. to *d.* No change.

e. A copy of each reference material, text, student and instructor manuals, and audio-visual material used in the course. These materials may also be provided by the department.

f. No change.

g. A copy of the course test blueprint. The course test may also be provided by the department.

h. to *k.* No change.

70.4(3) To be approved for the training of lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors ~~prior to March 1, 1999, a course was required to be at least 24 training hours with a minimum of 8 hours devoted to hands-on training activities. Beginning March 1, 1999~~, a course must be at least 40 training hours with a minimum of 12 hours devoted to hands-on training activities. Lead inspector/risk assessor and elevated blood lead (EBL) inspector/risk assessor training courses shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *k.* No change.

l. Reevaluation protocol.

m. In the case of renovation, procedures for using recognized test kits to determine whether paint is lead-based paint.*

n. In the case of renovation, methods to ensure that the renovation has been properly completed, including cleaning verification and clearance testing.*

~~*l.*~~ *o.* Sampling for other sources of lead exposure.*

~~*m.*~~ *p.* Interpretation of lead-based paint and other lead sampling results, including all applicable federal, state, and local guidance or regulations pertaining to lead-based paint hazards.*

~~*n.*~~ *q.* Development of lead hazard control options~~, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards~~.

r. The role of interim controls, operation and maintenance activities, and renovation in reducing lead-based paint hazards.

~~*o.*~~ *s.* Approved methods for conducting lead-based paint abatement, ~~and~~ interim controls, operation and maintenance activities, and renovation.

~~*p.*~~ *t.* Prohibited methods for conducting lead-based paint abatement, ~~and~~ interim controls, operation and maintenance activities, and renovation.

~~*q.*~~ *u.* Interior dust abatement and cleanup.

~~*r.*~~ *v.* Soil and exterior dust abatement and cleanup.

~~*s.*~~ *w.* Preparation of the final ~~inspection report~~ reports for lead inspections, lead-free inspections, risk assessments, visual assessments, lead hazard screens, clearance testing after lead abatement, clearance testing after renovation, reevaluation, and clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340.

~~*t.*~~ *x.* Record keeping.

~~*u.*~~ *y.* The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

~~*v.*~~ *z.* The instructor shall provide each student with instructions and forms needed to apply to the department for certification and information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

aa. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(4) To be approved for the training of lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors who have already completed an approved sampling technician course, a course must be at least 20 training hours with a minimum of 8 hours devoted to hands-on training activities. The training course shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *d.* No change.

e. ~~Visual risk assessment protocol~~ Reevaluation protocol.

f. and *g.* No change.

h. Development of lead hazard control options, ~~the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards~~ including lead abatement.*

i. The role of interim controls, operation and maintenance activities, and renovation in reducing lead-based paint hazards.

j. Approved methods for conducting lead abatement, interim controls, operation and maintenance activities, and renovation.

k. Prohibited methods for conducting lead abatement, interim controls, operation and maintenance activities, and renovation.

~~*i.*~~ *l.* Preparation of the final ~~inspection report~~ reports for lead inspections, lead-free inspections, risk assessments, lead hazard screens, reevaluation, and clearance testing after lead abatement.

~~*j.*~~ *m.* Record keeping.

~~*k.*~~ *n.* The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course

test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

~~*l.*~~ *o.* The instructor shall provide each student with instructions and forms needed to apply to the department for certification and information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

p. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(5) to **70.4(7)** No change.

70.4(8) To be approved for the training of lead abatement contractors, a course must be at least 40 training hours with a minimum of 12 hours devoted to hands-on activities and shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *c.* No change.

d. Liability and insurance issues relating to lead abatement, interim controls, and renovation.

e. and *f.* No change.

g. Development and implementation of an occupant protection plan, ~~and~~ lead abatement report, and renovation report.

h. and *i.* No change.

j. Approved methods for conducting lead abatement, ~~and~~ interim controls, and renovation.*

k. Prohibited methods for conducting lead abatement, ~~and~~ interim controls, and renovation.

l. to *n.* No change.

o. Cleanup, waste handling, and waste disposal.

p. In the case of renovation, interior and exterior containment and cleanup methods.*

q. In the case of renovation, providing on-the-job training to other workers.*

r. In the case of renovation, procedures for using recognized test kits to determine whether paint is lead-based paint, including preparation of the required report.*

s. In the case of renovation, methods to ensure that the renovation has been properly completed, including cleaning verification and clearance testing.*

t. In the case of renovation, record preparation and record keeping.

~~*p.*~~ *u.* Record keeping for lead abatement.

~~*q.*~~ *v.* The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

~~*r.*~~ *w.* The instructor shall provide each student with instructions and forms needed to apply to the department for certification and information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

x. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(9) To be approved for the training of lead abatement contractors who have already completed an approved lead abatement worker course, a course must be at least 16 training hours with a minimum of 4 hours devoted to hands-on activities and shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *f.* No change.

g. Record keeping for lead abatement.

h. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

i. The instructor shall provide each student with instructions and forms needed to apply to the department for certification and with information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

j. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(10) To be approved for the training of lead abatement workers, a course must be at least 24 training hours with a minimum of 8 hours devoted to hands-on activities and shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *d.* No change.

e. Approved methods for conducting lead~~-based paint~~ abatement, ~~and~~ interim controls, and renovation.*

f. Prohibited methods for conducting lead~~-based paint~~ abatement, ~~and~~ interim controls, and renovation.

g. and *h.* No change.

i. Cleanup, waste handling, and waste disposal.

j. and *k.* No change.

l. In the case of renovation, interior and exterior containment and cleanup methods.*

m. In the case of renovation, providing on-the-job training to other workers.*

n. In the case of renovation, procedures for using recognized test kits to determine whether paint is lead-based paint, including preparation of the required report.*

o. In the case of renovation, methods to ensure that the renovation has been properly completed, including cleaning verification and clearance testing.*

p. In the case of renovation, record preparation and record keeping.

~~*l.*~~ *q.* The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

~~*m.*~~ *r.* The instructor shall provide each student with instructions and forms needed to apply to the department for certification. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

s. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(11) To be approved for the training of sampling technicians ~~prior to September 15, 2000, a course was required to be at least 16 training hours with a minimum of 4 hours devoted to hands-on activities. Beginning September 15, 2000~~, a course must be at least 20 training hours with a minimum of 4 hours devoted to hands-on training activities. The training course shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *e.* No change.

f. In the case of renovation, procedures for using recognized test kits to determine whether paint is lead-based paint.*

~~*f.*~~ *g.* Clearance standards and testing~~, including random sampling~~.*

~~g.~~ h. Identification of lead-based paint hazards.*

~~h.~~ i. Sources of environmental lead contamination such as paint, surface dust and soil, and water.

~~i.~~ j. Visual inspection to identify lead-based paint hazards.*

~~j.~~ k. Approved methods for conducting lead abatement, ~~and~~ interim controls, operation and maintenance activities, and renovation.

~~k.~~ l. Prohibited methods for conducting lead abatement, ~~and~~ interim controls, operation and maintenance activities, and renovation.

~~l.~~ m. Methods of interim controls and lead abatement for interior dust and cleanup.

~~m.~~ n. Methods of interim controls and lead abatement for exterior dust and soil and cleanup.

~~n.~~ o. Preparation of the final visual assessment report.

~~o.~~ p. Preparation of clearance testing reports for ~~interim controls~~ clearance testing after renovation and clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340.

~~p.~~ q. Record keeping.

~~q.~~ r. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

~~r.~~ s. The instructor shall provide each student with instructions and forms needed to apply to the department for certification. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

t. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(12) To be approved for the training of project designers, a course must be at least 48 instructional training hours with a minimum of 12 hours devoted to hands-on activities and shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *c.* No change.

d. Liability and insurance issues relating to ~~lead abatement~~ project design.

e. and *f.* No change.

g. Development and implementation of an occupant protection plan, ~~and~~ lead abatement report, and renovation report.

h. and *i.* No change.

j. Approved methods for conducting lead~~-based paint~~ abatement, ~~and~~ interim controls, and renovation.*

k. Prohibited methods for conducting lead~~-based paint~~ abatement, ~~and~~ interim controls, and renovation.

l. to *n.* No change.

o. Cleanup, waste handling, and waste disposal.

p. In the case of renovation, providing on-the-job training to other workers.*

q. In the case of renovation, procedures for using recognized test kits to determine whether paint is lead-based paint, including preparation of the required report.*

r. In the case of renovation, methods to ensure that the renovation has been properly completed, including cleaning verification and clearance testing.*

s. In the case of renovation, record preparation and record keeping.

~~p.~~ t. Record keeping for lead abatement.

~~q.~~ u. Role and responsibilities of a project designer.

~~r.~~ v. Development and implementation of an occupant protection plan for large-scale lead abatement projects.

~~s.~~ *w.* Lead abatement and lead hazard reduction methods, including restricted practices for large-scale lead abatement projects.

~~t.~~ *x.* Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale lead abatement projects.

~~u.~~ *y.* Clearance standards and testing for large-scale lead abatement projects.

~~v.~~ *z.* Integration of lead abatement methods with modernization and rehabilitation projects for large-scale lead abatement projects.

~~w.~~ *aa.* The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

~~x.~~ *ab.* The instructor shall provide each student with instructions and forms needed to apply to the department for certification and with information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

ac. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(13) To be approved for the training of project designers who have already completed an approved lead abatement contractor course, a course must be at least 8 instructional training hours and shall cover at least the following subjects:

a. to *f.* No change.

g. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

h. The instructor shall provide each student with instructions and forms needed to apply to the department for certification and information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

i. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(14) To be approved for the training of project designers who have already completed an approved lead abatement worker course, a course must be at least 24 instructional training hours with a minimum of 4 hours devoted to hands-on activities and shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. to *m.* No change.

n. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

o. The instructor shall provide each student with instructions and forms needed to apply to the department for certification and information provided by the department regarding the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

p. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

70.4(15) To be approved for the training of lead-safe renovators, a course must be at least 8 instructional training hours with a minimum of 2 hours devoted to hands-on activities and shall cover at least the following subjects (requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course):

a. Background information on lead and its adverse health effects, how children and adults are exposed to lead, and how to prevent lead exposure in children and adults.

b. Background information on federal, state, and local regulations and guidance that pertain to lead-based paint, lead-based paint activities, and renovation activities.

c. Procedures for using recognized test kits to determine whether paint is lead-based paint, including preparation of the required report.*

d. Renovation methods to minimize the creation of dust and lead-based paint hazards.*

e. Prohibited methods of renovation.

f. Interior and exterior containment and cleanup methods.*

g. Methods to ensure that the renovation has been properly completed, including cleaning verification and clearance testing.*

h. Waste handling and disposal.

i. Providing on-the-job training to other workers.*

j. Record preparation and record keeping.

k. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

l. The instructor shall provide each student with instructions and forms needed to apply to the department for certification. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

m. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

~~**70.4(15)**~~ **70.4(16)** To be approved for refresher training of sampling technicians, lead abatement contractors, lead abatement workers, and project designers, a course must be at least 8 training hours. To be approved for refresher training of lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors who completed an approved 24-hour training course, a course must be at least 8 training hours to meet the recertification requirements of subrule 70.5(3). To be approved for refresher training of lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors to meet the recertification requirements of subrule 70.5(6), a course must be at least 16 training hours. To be approved for refresher training of lead-safe renovators, a course must be at least 4 hours. All refresher training courses shall cover at least the following topics:

a. A review of the curriculum topics of the initial certification course for the appropriate discipline as listed in subrules 70.4(3) to ~~70.4(14)~~ 70.4(15).

b. to *d.* No change.

e. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.

f. All of the course materials including instructions, applications, and forms must be provided on paper unless an individual student requests that the materials be provided electronically.

~~**70.4(16)**~~ **70.4(17)** Approvals of training courses shall expire three years after the date of issuance. The training manager shall submit the following at least 90 days prior to the expiration date for a course to be reapproved:

a. to *e.* No change.

~~**70.4(17)**~~ **70.4(18)** The department shall consider a request for approval of a training course that has been approved by a state or tribe authorized by the U.S. Environmental Protection Agency.

a. and *b.* No change.

ITEM 7. Amend rule 641—70.5(135) as follows:

641—70.5(135) Certification, interim certification, and recertification.

70.5(1) A person wishing to become a certified lead professional shall apply on forms supplied by the department. The applicant must submit:

a. to *c.* No change.

d. If wishing to become a certified elevated blood lead (EBL) inspector/risk assessor, documentation of successful completion of 8 hours of training from the department's childhood lead poisoning prevention program. This training shall cover the roles and responsibilities of an elevated blood lead (EBL) inspector/risk assessor and the environmental and medical case management of elevated blood lead (EBL) children. ~~The training shall conclude with a written examination. The applicant must achieve a score of at least 80 percent on the examination to successfully complete the training.~~

e. Documentation that the applicant meets the additional experience and education requirements in subrule 70.5(2) for the discipline in which the applicant wishes to become certified. The following documents shall be submitted as evidence that the applicant has the education and work experience required by subrule 70.5(2):

(1) and (2) No change.

f. ~~Beginning March 1, 2000, to~~ To become certified as a lead inspector/risk assessor, elevated blood lead (EBL) inspector/risk assessor, lead abatement contractor, or project designer, a certificate showing that the applicant has passed the state certification examination in the discipline in which the applicant wishes to become certified.

g. A ~~$50~~ 60 nonrefundable fee.

h. A person may receive interim certification from the department as a lead inspector/risk assessor, elevated blood lead (EBL) inspector/risk assessor, lead abatement contractor, or project designer by submitting the items required by paragraphs 70.5(1)*"a"* to *"e"* and *"g"* to the department. ~~If the applicant completed an approved course prior to September 1, 1999, the interim certification expired on March 1, 2000. If the applicant completed an approved course on or after September 1, 1999, the interim~~ Interim certification shall expire six months from the date of completion of an approved course. An applicant shall upgrade an interim certification to a certification by submitting a certificate to the department showing that the applicant has passed the state certification examination as required by paragraph 70.5(1)*"f."* Interim certification is equivalent to certification.

i. Beginning April 22, 2010, lead-safe renovators must be certified by the department. A person who completed an approved course conducted by an approved lead-safe work practices training provider prior to [insert the effective date of this amendment] must complete a lead-safe renovator refresher course to obtain certification.

70.5(2) ~~Beginning September 1, 1999, to~~ To become certified by the department as a lead professional, an applicant must meet the education and experience requirements for the appropriate discipline:

a. to *e.* No change.

f. No additional education or experience is required for lead-safe renovators.

70.5(3) Reserved. ~~Certifications issued prior to September 1, 1999, expired on February 29, 2000. By March 1, 2000, lead professionals certified prior to September 1, 1999, were required to be recertified by submitting the following:~~

~~*a.* A completed application form.~~

~~*b.* For lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors, a certificate showing the completion of additional training hours in an approved course to meet the total training hours required by subrule 70.4(3) and the completion of an 8-hour refresher course.~~

~~*c.* Reserved.~~

~~*d.* Documentation that the applicant meets the experience and education requirements in subrule 70.5(2) for the discipline in which the applicant wishes to become certified. The following documents shall be submitted as evidence that the applicant has the education and work experience required by subrule 70.5(2):~~

~~(1) Official transcripts or diplomas as evidence of meeting the education requirements.~~

~~(2) Résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.~~

~~*e.* For lead abatement contractors, lead abatement workers, project designers, and sampling technicians, if the date on which the applicant completed an approved training course is three years or more before the date of recertification, a certificate showing that the applicant has successfully completed an approved refresher training course for the appropriate discipline.~~

~~*f.* A certificate showing that the applicant has passed the state certification examination in the discipline in which the applicant wishes to become certified.~~

~~*g.* A $50 nonrefundable fee.~~

70.5(4) Reserved. ~~By September 15, 2000, sampling technicians certified prior to July 1, 2000, were required to be recertified by submitting a certificate showing the completion of additional training hours in an approved course to meet the total training hours required by subrule 70.4(11) and the completion of an 8-hour refresher course.~~

70.5(5) All agencies that perform or offer to perform elevated blood lead (EBL) inspections ~~after September 15, 2000,~~ must be certified by the department. An agency wishing to become a certified elevated blood lead (EBL) inspection agency shall apply on forms supplied by the department. The agency must submit:

a. to *d.* No change.

70.5(6) ~~Beginning March 1, 2000, individuals~~ Individuals certified as lead professionals must be recertified each year. To be recertified, lead professionals must submit the following:

a. No change.

b. A $~~50~~ 60 nonrefundable fee.

c. No change.

d. If a certified individual taking a refresher training course is also an approved instructor for that particular refresher training course and has access to the testing materials, the certified individual must take a refresher training course test supplied by the department in lieu of the normal refresher training course test.

70.5(7) The department shall approve the state certification examinations for the disciplines of lead inspector/risk assessor, elevated blood lead (EBL) inspector/risk assessor, lead abatement contractor, and project designer. The state certification examination shall be administered by selected community college testing centers in Iowa ~~through an agreement with the consortium of Iowa community colleges~~. A community college testing center shall set the fee for administering the state certification examination to each applicant and shall collect the fee from each applicant.

a. An individual must achieve a score of at least 80 percent on the examination. An individual may take the state certification examination no more than three times within six months of receiving a certificate of completion from an approved course.

b. No change.

70.5(8) Reciprocity. Each applicant for certification who is certified in any of the disciplines specified in this rule in another state may request reciprocal certification. The department shall evaluate the requirements for certification to determine that the requirements for certification in such other state are as protective of health and the environment as the requirements for certification in Iowa. ~~If~~ For all disciplines except lead-safe renovator, if the department determines that the requirements for certification in such other state are as protective of health and the environment as the requirements for

certification in Iowa, the applicant may be certified after passing a proctored test covering Iowa-specific lead information with a score of at least 80 percent. For a lead-safe renovator, if the department determines that the requirements for certification in such other state are as protective of health and the environment as the requirements for certification in Iowa, the applicant may be certified after signing a statement indicating that the applicant has read and understands Iowa-specific lead information provided by the department. Each applicant for certification pursuant to this subrule shall submit the appropriate application accompanied by the fee for each discipline as specified in 641—70.5(135).

ITEM 8. Amend rule 641—70.6(135) as follows:

641—70.6(135) Work practice standards for lead professionals conducting lead-based paint activities in target housing and child-occupied facilities. ~~Prior to March 1, 2000, when performing any lead-based paint activity described as a lead-free inspection, lead inspection, elevated blood lead (EBL) inspection, lead hazard screen, risk assessment, visual risk assessment, or lead abatement, a certified individual was required to perform that activity in compliance with the appropriate requirements below. Beginning March 1, 2000, any~~ All lead-based paint ~~activity described as a lead-free inspection, lead inspection, elevated blood lead (EBL) inspection, lead hazard screen, risk assessment, visual risk assessment, or lead abatement~~ activities shall be performed according to the work practice standards in 641—70.6(135), and a certified individual must perform that activity in compliance with the appropriate requirements below.

70.6(1) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor must conduct a lead-free inspection according to the following standards. ~~Beginning March 1, 2000, a~~ A lead-free inspection shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor.

~~*a.* A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall notify the department in writing no later than 30 days after conducting a lead-free inspection in a residential dwelling or child-occupied facility. The notification shall include the following information:~~

~~(1) The address where the lead-free inspection was conducted.~~

~~(2) The dates when the lead-free inspection was conducted.~~

~~(3) The name, address, telephone number, Iowa certification number, and signature of the contact for the certified firm that conducted the lead-free inspection.~~

~~(4) The name, address, telephone number, Iowa certification number, and signature of each certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor who conducted the lead-free inspection.~~

~~*b.*~~ *a.* When conducting a lead-free inspection in a residential dwelling, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following procedures:

(1) to (3) No change.

(4) Paint shall be tested using adequate quality control by X-ray fluorescence (XRF) or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If testing by laboratory analysis, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

1. to 3. No change.

4. Prior to taking the final set of calibration readings and if ~~required~~ recommended by the performance characteristics sheet, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas

chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface and take three XRF readings with the XRF used to conduct the inspection. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16.

5. to 7. No change.

(5) and (6) No change.

(7) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where a lead-free inspection is completed. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the lead-free inspection, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The report shall include, at least:

1. to 6. No change.

7. Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the ~~investigation~~ inspection;

8. Name and certification number of the certified firm(s) conducting the inspection;

~~8.~~ 9. Name, address, and telephone number of each laboratory conducting an analysis of collected samples;

~~9.~~ 10. Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) device;

~~10.~~ 11. XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated at each required calibration;

~~11.~~ 12. Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component expressed in terms appropriate to the sampling method used;

~~12.~~ 13. The results of retesting of 10 surfaces, calculations to determine the retest tolerance limit, and the determination of whether the inspection meets the retest tolerance limit;

~~13.~~ 14. If the ~~inspector~~ certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor determines that the residential dwelling is free of lead-based paint, the report shall contain the following statement:

"The results of this inspection indicate that no lead in amounts greater than or equal to 1.0 mg/cm^2 in paint was found on any building components, using the inspection protocol in Chapter 7 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1997). Therefore, this residential dwelling qualifies for the exemption in 24 CFR Part 35 and 40 CFR Part 745 for target housing being leased that is free of lead-based paint, as defined in the rule. However, some painted surfaces may contain levels of lead below 1.0 mg/cm^2, which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the owner and all future owners for the life of the residential dwelling. Per the disclosure requirements of 24 CFR Part 35 and 40 CFR Part 745, prospective buyers are entitled to all available inspection reports should the property be resold.";

~~14.~~ 15. If any lead-based paint is identified, a description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

~~15.~~ 16. A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

~~16.~~ 17. Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~17. Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

18. Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation, remodeling and repainting found in 641—Chapter 70; and

19. The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.59(135)."

~~c.~~ *b.* When conducting a lead-free inspection in multifamily housing, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following procedures:

(1) to (5) No change.

(6) Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If testing by laboratory analysis, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

1. No change.

2. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall not use an X-ray fluorescence analyzer using a software version or a mode of operation that could result in inconclusive readings or ~~would require~~ that recommends substrate correction.

3. to 6. No change.

(7) to (11) No change.

(12) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility inspected. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the inspection, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The inspection report shall include, at least:

1. to 8. No change.

9. Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the ~~investigation~~ inspection;

10. Name and certification number of the certified firm(s) conducting the inspection;

~~10.~~ 11. Name, address, and telephone number of each laboratory conducting an analysis of collected samples;

~~11.~~ 12. Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer;

~~12.~~ 13. XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated at each required calibration;

~~13.~~ 14. Specific locations by room of each painted component tested for the presence of lead-based paint and by residential dwelling or common area and the results for each component expressed in terms appropriate to the sampling method used;

~~14.~~ 15. Component aggregations and the determination of whether lead-based paint is present by component type;

~~15.~~ 16. The results of retesting of 10 surfaces, calculations to determine the retest tolerance limit, and the determination of whether the inspection meets the retest tolerance limit;

~~16.~~ 17. If the ~~inspector~~ certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor determines that the multifamily housing is free of lead-based paint, the report shall contain the following statement:

"The results of this inspection indicate that no lead in amounts greater than or equal to 1.0 mg/cm^2 in paint was found on any building components, using the inspection protocol in Chapter 7 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1997). Therefore, this multifamily housing qualifies for the exemption in 24 CFR Part 35 and 40 CFR Part 745 for target housing being leased that is free of lead-based paint, as defined in the rule. However, some painted surfaces may contain levels of lead below 1.0 mg/cm^2, which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the owner and all future owners for the life of the multifamily housing. Per the disclosure requirements of 24 CFR Part 35 and 40 CFR Part 745, prospective buyers are entitled to all available inspection reports should the property be resold.";

~~17.~~ 18. If any lead-based paint is identified, a description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

~~18.~~ 19. A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

~~19.~~ 20. Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~20. Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

21. Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

22. The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(2) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor must conduct lead inspections according to the following standards. ~~Beginning March 1, 2000,~~

~~lead~~ Lead inspections shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor.

a. When conducting a lead inspection in a residential dwelling or child-occupied facility, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following procedures:

(1) No change.

(2) The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall test each testing combination in each room. On windows, the window frame, interior windowsill, window sash, and window trough shall each be considered a separate testing combination. One sample shall be taken for each testing combination in a room, including the walls. If a testing combination is painted and not tested, it shall be assumed to be painted with lead-based paint.

b. Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If testing by laboratory analysis, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

(1) to (3) No change.

(4) If ~~required~~ recommended by the performance characteristics sheet, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface, and take three XRF readings with the XRF used to conduct the inspection. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor does not conduct substrate correction where ~~required~~ recommended by the performance characteristics sheet, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that all of the readings are positive and shall not state that a surface is free of lead-based paint.

(5) and (6) No change.

c. No change.

d. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility inspected. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the inspection, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The inspection report shall include, at least:

(1) to (6) No change.

(7) Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the ~~investigation~~ inspection;

(8) The name and certification number of the certified firm(s) conducting the inspection;

~~(8)~~ (9) Name, address, and telephone number of each laboratory conducting an analysis of collected samples;

~~(9)~~ (10) Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer;

~~(10)~~ (11) XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated;

~~(11)~~ (12) Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component expressed in terms appropriate to the sampling method used;

~~(12)~~ (13) A statement that all painted or finished components that were not tested must be assumed to contain lead-based paint;

~~(13)~~ (14) A description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

~~(14)~~ (15) A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

~~(15)~~ (16) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CRF Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~(16) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(17) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

(18) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(3) A certified elevated blood lead (EBL) inspector/risk assessor must conduct elevated blood lead (EBL) inspections according to the following standards. ~~Beginning March 1, 2000, elevated~~ Elevated blood lead (EBL) inspections shall be conducted only by a certified elevated blood lead (EBL) inspector/risk assessor.

a. When conducting an elevated blood lead (EBL) inspection, the certified elevated blood lead (EBL) inspector/risk assessor shall use the following procedures:

(1) No change.

(2) The certified elevated blood lead (EBL) inspector/risk assessor shall test each testing combination in each room. One sample shall be taken for each testing combination in a room, including walls. On windows, the window frame, interior windowsill, window sash, and window trough shall each be considered a separate testing combination. If a testing combination is painted and not tested, it shall be assumed to be painted with lead-based paint.

b. Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If

testing by laboratory analysis, the certified elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

(1) to (3) No change.

(4) If ~~required~~ recommended by the performance characteristics sheet, the certified elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface, and take three XRF readings with the XRF used to conduct the inspection. The certified elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16. If the certified elevated blood lead (EBL) inspector/risk assessor does not conduct substrate correction where ~~required~~ recommended by the performance characteristics sheet, then the certified elevated blood lead (EBL) inspector/risk assessor shall assume that all of the readings are positive and shall not state that a surface is free of lead-based paint.

(5) and (6) No change.

c. No change.

d. No later than two weeks after the receipt of laboratory results, a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where an elevated blood lead (EBL) inspection has been conducted and shall provide a copy of this report to the property owner and the occupant of the dwelling. The report shall include, at least:

(1) to (6) No change.

(7) Name, signature, and certification number of each certified elevated blood lead (EBL) inspector/risk assessor conducting the ~~investigation~~ inspection;

(8) Name and certification number of the certified firm(s) conducting the inspection;

~~(8)~~ (9) Name, address, and telephone number of each laboratory conducting an analysis of collected samples;

~~(9)~~ (10) Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer;

~~(10)~~ (11) XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated;

~~(11)~~ (12) Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component expressed in terms appropriate to the sampling method used;

~~(12)~~ (13) A statement that all painted or finished components that were not tested must be assumed to contain lead-based paint;

~~(13)~~ (14) A description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the play area or in the dripline of a home where

lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

~~(14)~~ (15) A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

~~(15)~~ (16) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~(16) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(17) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

(18) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by an elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

e. A certified elevated blood lead (EBL) inspector/risk assessor shall maintain for no fewer than ten years a written record for each residential dwelling or child-occupied facility where an elevated blood lead (EBL) inspection has been conducted ~~for no fewer than ten years~~. The record shall include, at least:

(1) to (3) No change.

(4) Records of follow-up visits made to each residential dwelling or child-occupied facility where lead-based paint hazards are identified ~~to ensure that lead-based paint hazards are safely repaired~~ and, when issued, a copy of the clearance report.

70.6(4) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor must conduct lead hazard screens according to the following standards. ~~Beginning March 1, 2000, lead~~ Lead hazard screens shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor.

a. to *g.* No change.

h. Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If testing by laboratory analysis, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

(1) to (3) No change.

(4) If ~~required~~ recommended by the performance characteristics sheet, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface, and take three XRF readings with the XRF used to conduct the inspection. The certified lead inspector/risk assessor or elevated blood

lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor does not conduct substrate correction where ~~required~~ recommended by the performance characteristics sheet, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that all the readings are positive and shall not state that a surface is free of lead-based paint.

(5) and (6) No change.

i. to *l.* No change.

m. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where a lead hazard screen is conducted. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the lead hazard screen, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The report shall include, at least:

(1) to (5) No change.

(6) Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the ~~investigation~~ lead hazard screen.

(7) Name and certification number of the certified firm(s) conducting the lead hazard screen.

~~(7)~~ (8) Name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples, including the identification number for each such laboratory recognized by EPA under Section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b)).

~~(8)~~ (9) Results of the visual inspection.

~~(9)~~ (10) Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer.

~~(10)~~ (11) If used, XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated.

~~(11)~~ (12) Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component tested expressed in terms appropriate to the sampling method used.

~~(12)~~ (13) All results of laboratory analysis of collected paint, dust, and soil samples. The results of dust sampling shall be reported in micrograms of lead per square foot, and the results of soil sampling shall be reported in parts per million of lead. Results shall not be reported as "not detectable."

~~(13)~~ (14) Any other sampling results~~;~~.

~~(14)~~ (15) A statement that all painted or finished components that were not tested must be assumed to contain lead-based paint.

~~(15)~~ (16) Background information collected regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years.

~~(16)~~ (17) Whether the residential dwelling or child-occupied facility passed or failed the lead hazard screen and recommendations, if warranted, for a follow-up lead inspection or risk assessment, and, as appropriate, any further actions.

~~(17)~~ (18) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745.

~~(18) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(19) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70.

(20) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(5) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor must conduct risk assessments according to the following standards. ~~Beginning March 1, 2000, risk~~ Risk assessments shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor.

a. to *i.* No change.

j. Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If testing by laboratory analysis, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

(1) to (3) No change.

(4) If ~~required~~ recommended by the performance characteristics sheet, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface, and take three XRF readings with the XRF used to conduct the inspection. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor does not conduct substrate correction where ~~required~~ recommended by the performance characteristics sheet, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that all of the readings are positive and shall not state that a surface is free of lead-based paint.

(5) and (6) No change.

k. No change.

l. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where a risk assessment is conducted. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the risk assessment, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of the report for no less than three years. The report shall include, at least:

(1) to (5) No change.

(6) Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the ~~investigation~~ risk assessment;

(7) Name and certification number of the certified firm(s) conducting the risk assessment;

~~(7)~~ (8) Name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples, including the identification number for each such laboratory recognized by EPA under Section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b));

~~(8)~~ (9) Results of the visual inspection;

~~(9)~~ (10) Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer;

~~(10)~~ (11) If used, XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated;

~~(11)~~ (12) Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component tested expressed in terms appropriate to the sampling method used;

~~(12)~~ (13) All results of laboratory analysis of collected paint, dust, and soil samples;

~~(13)~~ (14) Any other sampling results;

~~(14)~~ (15) A statement that all painted or finished components that were not tested must be assumed to contain lead-based paint;

~~(15)~~ (16) Background information collected regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years;

~~(16)~~ (17) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint hazards;

~~(17)~~ (18) A description of the location, type, and severity of identified lead-based paint hazards, and any other potential lead hazards, including bare soil in the play area or in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

~~(18)~~ (19) A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

~~(19)~~ (20) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~(20) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(21) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

(22) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional

signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(6) A certified lead abatement contractor or certified lead abatement worker must conduct lead abatement according to the following standards. ~~Beginning March 1, 2000, lead~~ Lead abatement shall be conducted only by a certified lead abatement contractor or a certified lead abatement worker.

a. to *d.* No change.

e. A certified lead abatement contractor shall ensure that the worksite(s) is accessed only by certified lead professionals according to Iowa Administrative Code 641—70.3(135) and 70.5(135). Noncertified individuals shall not be allowed access to a worksite. A worksite shall remain inaccessible to noncertified individuals until it passes clearance testing.

~~*e.*~~ *f.* A certified lead abatement contractor or a certified project designer shall develop ~~an~~ a written occupant protection plan for all lead abatement projects prior to starting lead abatement and shall implement the occupant protection plan during the lead abatement project. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility. ~~The occupant protection plan shall describe the measures and management procedures that will be taken during the lead abatement to protect the building occupants from exposure to any lead-based paint hazards.~~ If the occupants will be living at the property where lead abatement is taking place, then the written occupant plan shall be given to the occupants prior to the start date of the lead abatement project and must contain at least the following information:

(1) A description of the type and location of the physical barriers that will keep occupants out of the designated worksite(s).

(2) An explanation of how the contractor will ensure that the worksite(s) is not entered by the occupants.

(3) An explanation of how the contractor will ensure that the occupants have access to a kitchen, bathroom, and living area that are not in the worksite(s).

~~*f.*~~ *g.* Approved methods must be used to conduct lead abatement, and prohibited work practices must not be used to conduct lead abatement. ~~The following are prohibited work practices:~~

~~(1) Open-flame burning or torching of lead-based paint.~~

~~(2) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.~~

~~(3) Uncontained water blasting of lead-based paint.~~

~~(4) Dry scraping or dry sanding of lead-based paint except in conjunction with the use of a heat gun or around electrical outlets.~~

~~(5) Operating a heat gun at a temperature at or above 1100 degrees Fahrenheit.~~

(1) Signs must be posted and readable. All signs must be posted before lead abatement begins and must remain in place until dust-lead clearance has been passed.

1. To the extent practicable, all signage must be posted in the occupants' primary language.
2. The signs must clearly define the work area.
3. The signs must warn occupants and other persons not involved with the lead abatement to remain outside the work area.
4. The signs must be posted at the entrance(s) to all work areas.

(2) The work area must be effectively contained before the lead abatement begins. To be effective, containment must:

1. Isolate the work area so that no dust or debris leaves the work area while the lead abatement is being performed.
2. Be monitored and maintained so that any plastic or other impermeable materials are not torn or displaced.
3. Be installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(3) For interior lead abatement, containment shall include:

1. The removal or covering of all objects from the work area, including but not limited to furniture, rugs, and window coverings. Objects that are not removed from the work area must be covered with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

2. Closing and covering all duct openings in the work area. Ducts must be covered with plastic sheeting or other impermeable material that is taped down.

3. Closing windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

4. Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of the surfaces undergoing lead abatement or a sufficient distance to contain the dust, whichever is greater.

5. Ensuring that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving or being removed from the work area.

(4) For exterior lead abatement, containment shall include:

1. Closing all doors and windows within 20 feet of the lead abatement. On multistory buildings, all doors and windows within 20 feet of the lead abatement on the same story as the lead abatement shall be closed, and all doors and windows on all stories below the lead abatement that are the same horizontal distance from the lead abatement shall be closed.

2. Ensuring that doors within the work areas that will be used while the lead abatement is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

3. Covering the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing lead abatement or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground cover. Exterior ground cover shall include anchors or weights to ensure that the covering remains effective even during weather conditions such as high wind.

4. Vertical containment. In certain situations, such as where other buildings are in close proximity to the work area, when conditions are windy, or where the work area abuts a property line, the certified lead abatement contractor or certified lead abatement worker shall erect a system of vertical containment designed to prevent dust and debris from migrating to adjacent property or contaminating the ground, other buildings, or any object beyond the work area.

(5) The following are prohibited work practices:

1. Open-flame burning or torching of lead-based paint.

2. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint unless used with high-efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

3. Uncontained water blasting of lead-based paint.

4. Dry scraping or dry sanding of lead-based paint except in conjunction with the use of a heat gun or around electrical outlets.

5. Operating a heat gun at a temperature at or above 1100 degrees Fahrenheit.

(6) All waste generated during lead abatement shall be contained to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal. Any chutes used to remove waste from the work area shall be covered.

1. At the conclusion of each workday and at the conclusion of the lead abatement, waste that has been collected from lead abatement activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

2. All waste from lead abatement must be contained during transportation so that no dust or debris is released.

(7) The work area shall be cleaned so that no dust, debris, or residue remains after lead abatement. Cleaning shall include:

1. The collection of all paint chips and debris and, without dispersing the paint chips and debris, the sealing of the materials in heavy-duty bags.

2. The removal of the protective sheeting used as required in this subrule. The sheeting shall be misted, then the sheeting shall be folded dirty side inward. All sheeting shall be taped shut or otherwise sealed inside heavy-duty bags. Sheeting used to separate work areas from non-work areas must remain in place until after the cleaning and removal of other sheeting. All sheeting shall be disposed of as waste.

3. For interior lead abatement, all objects and surfaces in the work area and within two feet of the work area must be cleaned from high to low in the following manner:

- Walls must either be vacuumed with a HEPA vacuum or wiped with a wet cloth, beginning at the ceiling and working toward the floor.
- All remaining surfaces including objects and fixtures must be thoroughly vacuumed with a HEPA vacuum. For carpeted floors and rugs, the HEPA vacuum must be equipped with a beater bar.
- All remaining surfaces, except for carpeted or upholstered surfaces, must also be wiped with a damp cloth. Uncarpeted floors must be thoroughly mopped using a method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.

~~g.~~ *h.* Soil abatement shall be conducted using one of the following methods:

(1) and (2) No change.

~~h.~~ *i.* If lead-based paint is removed from a surface, the surface shall be repainted or refinished prior to postabatement clearance dust sampling. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall visually verify that lead-based paint was removed from a surface prior to repainting or refinishing.

~~i.~~ *j.* If components painted with lead-based paint are removed, the replacement components shall be installed prior to postabatement clearance testing.

~~j.~~ *k.* Postabatement clearance procedures shall be conducted by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor. If the abatement is conducted in response to an elevated blood lead (EBL) inspection, clearance must be conducted by a certified elevated blood lead (EBL) inspector/risk assessor. Postabatement clearance testing shall be performed by persons or entities independent of those performing lead abatement, unless the designated party uses qualified in-house employees to conduct postabatement clearance testing. An in-house employee shall not conduct both lead abatement and the postabatement clearance testing for this work. Postabatement clearance testing shall be conducted using the following procedures:

(1) No change.

(2) Following the visual inspection and any required postabatement cleanup, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall conduct clearance sampling for lead in dust. Clearance sampling may be conducted by employing single-surface sampling or composite dust sampling. Interior dust-lead testing shall be performed for all projects that include window replacement.

(3) to (8) No change.

~~k.~~ *l.* In multifamily housing consisting of at least 20 similarly constructed and maintained residential dwellings, random selection for the purpose of clearance testing may be conducted if the following conditions are met:

(1) and (2) No change.

(3) The certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall sample the randomly selected residential dwellings and evaluate them for clearance according to the procedures found in paragraphs 70.6(6)~~*"h"*~~*"i"* through ~~*"j."*~~*"k."*

~~l.~~ *m.* No later than three weeks after the property passes clearance, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a report to the lead abatement contractor that contains the items required by subparagraphs 70.6(6)~~*"m"*~~*"n"*(7) through (9).

~~m.~~ *n.* The certified lead abatement contractor or a certified project designer shall prepare a lead abatement report containing the following information:

(1) to (3) No change.

(4) The name, address, and signature of the certified lead abatement contractor ~~and certified lead abatement worker~~ and of the certified firm contact for the firm conducting the lead abatement.

(5) No change.

(6) The occupant protection plan required by paragraph 70.6(6)~~*"e."*~~ *"f."*

(7) to (11) No change.

~~(12) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(12) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70.

(13) If applicable, a copy of the written consent or waiver required by subrule ~~70.6(11)~~ 70.6(13).

~~*n.*~~ *o.* The lead abatement report shall be completed no later than 30 days after the lead abatement project passes clearance testing.

~~*o.*~~ *p.* The certified lead abatement contractor shall maintain all reports and plans required in this subrule for a minimum of three years.

~~*p.*~~ *q.* The certified lead abatement contractor shall provide a copy of all reports required by this subrule to the building owner and to the person who contracted for the lead abatement, if different.

70.6(7) A certified lead inspector/risk assessor, a certified elevated blood lead (EBL) inspector/risk assessor, or a certified sampling technician must conduct visual risk assessments according to the following standards. ~~Beginning March 1, 2000, visual~~ Visual risk assessments shall be conducted only by a certified lead inspector/risk assessor, a certified elevated blood lead (EBL) inspector/risk assessor, or a certified sampling technician.

a. and *b.* No change.

c. A certified lead inspector/risk assessor, a certified elevated blood lead (EBL) inspector/risk assessor, or a certified sampling technician shall prepare a written report for each residential dwelling or child-occupied facility where a visual risk assessment is conducted. No later than three weeks after completing the visual risk assessment, the certified lead inspector/risk assessor, certified elevated blood lead (EBL) inspector/risk assessor, or certified sampling technician shall send a copy of the report to the property owner and to the person requesting the visual risk assessment, if different. A certified lead inspector/risk assessor, a certified elevated blood lead (EBL) inspector/risk assessor, or a certified sampling technician shall maintain a copy of the report for no less than three years. The report shall include, at least:

(1) to (6) No change.

(7) Name and certification number of the certified firm(s) conducting the visual risk assessment;

~~(7)~~ (8) A statement that all painted or finished components must be assumed to contain lead-based paint;

~~(8)~~ (9) Specific locations of painted or finished components identified as likely to contain lead-based paint and likely to be lead-based paint hazards;

~~(9)~~ (10) Specific locations of bare soil in the play area and the dripline of a home;

~~(10)~~ (11) Information for the owner and occupants on how to reduce lead hazards in the residential dwelling or child-occupied facility;

~~(11)~~ (12) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~(12) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(13) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

(14) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any

addendum is signed by a sampling technician, lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(8) A certified lead inspector/risk assessor, a certified elevated blood lead (EBL) inspector/risk assessor, or a certified sampling technician must conduct clearance testing according to the following standards. ~~Beginning March 1, 2000, clearance~~ Clearance testing following lead abatement shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor. ~~Beginning September 15, 2000,~~ Dust clearance testing after renovation and clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340 shall be conducted only by certified sampling technicians, certified lead inspector/risk assessors, or certified elevated blood lead (EBL) inspector/risk assessors. Clearance testing after an elevated blood lead (EBL) inspection must be completed by a certified elevated blood lead (EBL) inspector/risk assessor.

a. Clearance testing following lead abatement shall be conducted according to paragraphs 70.6(6)~~*"h"*~~*"i"* through ~~*"l."*~~*"m."*

b. ~~Clearance~~ Dust clearance testing after renovation and clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340 shall be conducted according to the following standards:

(1) to (5) No change.

(6) The following clearance activities shall be conducted as appropriate based upon the extent or manner of renovation or of interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation conducted pursuant to 24 CFR Part 35 in the residential dwelling or child-occupied facility:

1. After conducting renovation or interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35, with containment between treated and untreated areas, three dust samples shall be taken from each of no fewer than four rooms, hallways, or stairwells within the containment area. Dust samples shall be taken from one interior windowsill and from one window trough (if available), and one dust sample shall be taken from the floor of each of no fewer than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside of each individual containment area. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, and stairwells shall be sampled. Interior dust-lead testing shall be performed for all projects that include window replacement.

2. After conducting renovation or interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35, with no containment between treated and untreated areas, three dust samples shall be taken from each of no fewer than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. Dust samples shall be taken from one interior windowsill and window trough (if available), and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility, then all rooms, hallways, and stairwells shall be sampled. Interior dust-lead testing shall be performed for all projects that include window replacement.

(7) to (9) No change.

c. No change.

d. A clearance report must be prepared that provides documentation of the lead abatement, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation conducted pursuant to 24 CFR Part 35 as well as the clearance testing. When lead abatement is performed, the report shall be a lead abatement report in accordance with paragraph ~~70.7(6)*"m."*~~ 70.6(6)*"n."* When renovation or interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35 are performed, the certified lead inspector/risk assessor, certified elevated blood lead (EBL) inspector/risk assessor, or certified sampling technician shall prepare a written report for each residential dwelling or child-occupied facility where clearance testing is conducted. No later than 30 days after the property

passes clearance, the certified lead inspector/risk assessor, certified elevated blood lead (EBL) inspector/risk assessor, or certified sampling technician shall send a copy of the report to the property owner and to the person requesting the clearance testing, if different. The clearance report shall include the following information:

(1) No change.

(2) The following information regarding the clearance testing:

1. and 2. No change.

3. The name and certification number of the certified firm(s) conducting the clearance testing.

~~3.~~ 4. Whether or not containment was used and, if containment was used, the locations of the containment.

~~4.~~ 5. If random selection was used to select the residential dwellings that were sampled, the report shall state that random selection was used, the number of residential dwellings that were sampled, and how this number was determined.

~~5.~~ 6. The results of the visual inspection for the presence of deteriorated paint and visible dust, debris, residue, or paint chips in the rooms where interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation were conducted pursuant to 24 CFR Part 35.

~~6.~~ 7. ~~The~~ All of the results of the analysis of dust samples, in micrograms per square foot, by location of sample. The results shall not be reported as "not detectable."

~~7.~~ 8. A statement that the interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation conducted pursuant to 24 CFR Part 35 were or were not done as specified and that the rooms and exterior areas where these activities were conducted did or did not pass the visual clearance and the clearance dust testing. If the certified lead inspector/risk assessor, certified elevated blood lead (EBL) inspector/risk assessor, or certified sampling technician conducting the clearance testing cannot verify that all lead-based paint hazards have been controlled, the report shall contain the following statement:

"The purpose of this clearance report is to verify that this lead hazard control project was done according to the project specifications. This residential dwelling may still contain hazardous lead-based paint, soil-lead hazards, or dust-lead hazards in the rooms or exterior areas that were not included in the lead hazard control project."

~~8.~~ 9. The name, address, and telephone number of each recognized laboratory conducting an analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under Section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b)).

(3) The following information on the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation for which clearance testing was performed:

1. The start and completion dates of the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation.

2. The name and address of each firm or organization conducting the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation and the name of each supervisor assigned.

3. A detailed written description of the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation, including the methods used, locations of exterior surfaces, interior rooms, common areas, and components where the hazard reduction activity occurred.

4. No change.

5. Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745.

6. ~~Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~ Information regarding Iowa's prerenovation notification

requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70.

7. The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a sampling technician, lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

e. No change.

f. Clearance testing shall be performed by persons or entities independent of those performing lead abatement, renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation, unless the designated party uses qualified in-house employees to conduct clearance testing. An in-house employee shall not conduct both lead abatement, renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation and the clearance examination for this work.

70.6(9) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall conduct paint testing pursuant to 24 CFR Part 35 according to the following standards. ~~Beginning March 1, 2000, paint~~ Paint testing pursuant to 24 CFR Part 35 shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor.

a. When conducting paint testing in a residential dwelling or child-occupied facility, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following procedures:

(1) No change.

(2) Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If testing by laboratory analysis, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect paint samples using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

1. to 3. No change.

4. If ~~required~~ recommended by the performance characteristics sheet, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface, and take three XRF readings with the XRF used to conduct the inspection. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor does not conduct

substrate correction where ~~required~~ recommended by the performance characteristics sheet, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that all of the readings are positive and shall not state that a surface is free of lead-based paint.

5. and 6. No change.

b. No change.

c. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where paint testing is conducted. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the inspection, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The report shall include, at least:

(1) to (7) No change.

(8) Name and certification number of the certified firm(s) conducting the paint testing;

~~(8)~~ (9) Name, address, and telephone number of each laboratory conducting an analysis of collected samples;

~~(9)~~ (10) Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer;

~~(10)~~ (11) XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated;

~~(11)~~ (12) Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component expressed in terms appropriate to the sampling method used;

~~(12)~~ (13) A statement that all painted or finished components that were not tested must be assumed to contain lead-based paint;

~~(13)~~ (14) A description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

~~(14)~~ (15) A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

~~(15)~~ (16) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745; ~~and~~

~~(16) Information about the notification regarding lead-based paint prior to renovation, remodeling, or repainting as required by 641—Chapter 69.~~

(17) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

(18) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(10) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor must conduct reevaluations according to the following standards. Reevaluations

shall be conducted only by a certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor.

a. All available information regarding lead-based paint for the property being reevaluated shall be reviewed, including but not limited to reports of any lead-based paint activities conducted in a residential dwelling, multifamily, or child-occupied facility.

b. A visual inspection of the property shall be undertaken to locate the existence of deteriorated paint; bare soil; recommended lead abatement, interim controls, or standard treatments that were not implemented; and failed interim controls, standard treatments, encapsulation, or enclosure.

c. Deteriorated paint for which the lead content is unknown shall be tested for the presence of lead.

d. Soil samples shall be collected and analyzed from bare soil for which the lead content is unknown. Soil samples shall be collected using the documented methodologies specified in guidance documents issued by the department and shall be analyzed by a recognized laboratory to determine the level of lead.

e. If any lead-based paint hazards, recommended lead abatement, interim controls, or standard treatments that were not implemented, or failed interim controls, standard treatments, encapsulation, or enclosure are identified, then the reevaluation is failed. These conditions shall be controlled through lead abatement or interim controls before the reevaluation can continue. Clearance testing shall be conducted following control of the conditions through lead abatement or interim controls.

f. If there are no lead-based paint hazards present and all of the recommended lead abatement or interim controls were implemented and have not failed, then single-surface or composite dust samples shall be collected. The reevaluation is passed if all of the dust samples taken are below the clearance level.

g. In residential dwellings, single-surface or composite dust samples shall be collected from floors and interior windowsills in at least four rooms, hallways, or stairwells where at least one child under the age of six years is most likely to come in contact with dust.

h. In multifamily dwellings, single-surface or composite dust samples shall also be collected from common areas where at least one child under the age of six years is likely to come in contact with dust.

i. In child-occupied facilities, single-surface or composite dust samples shall be collected from the floor and interior windowsill in at least four rooms, hallways, or stairwells utilized by one or more children under the age of six years and in other common areas where the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor determines that at least one child under the age of six years is likely to come in contact with dust.

j. Dust samples shall be collected by wipe samples using the documented methodologies specified in guidance documents issued by the department. The minimum area for a floor wipe sample shall be 0.50 square feet or 72 square inches. The minimum area for a windowsill wipe sample and for a window trough wipe sample shall be 0.25 square feet or 36 square inches. Dust samples shall be analyzed by a recognized laboratory to determine the level of lead.

k. Paint shall be tested using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface. If tested by laboratory analysis, the paint shall be sampled using the documented methodologies specified in guidance documents issued by the department. If testing by X-ray fluorescence, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the following methodologies:

(1) The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use an X-ray fluorescence analyzer that has a performance characteristics sheet and shall use the X-ray fluorescence analyzer according to the performance characteristics sheet.

(2) The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use the NIST 1.02 standard film or standards provided by the manufacturer for calibration of the X-ray fluorescence analyzer. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall not state that any surface is free of lead-based paint unless the NIST 1.02 standard film is used for calibration.

(3) The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall take calibration readings consisting of an average of three readings.

(4) If recommended by the performance characteristics sheet, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall conduct substrate correction for all XRF readings less than 4.0 milligrams of lead per square centimeter. For each substrate that requires substrate correction, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall completely remove all paint from an area of two different testing combinations for that substrate. If possible, the areas chosen for substrate correction should have initial XRF readings of less than 2.5 milligrams of lead per square centimeter. For each testing combination, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall remove paint from an area that is at least as large as the XRF probe faceplate. On each of the two areas, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall place the NIST 1.02 standard film over the surface, and take three XRF readings with the XRF used to conduct the inspection. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean for these six readings and shall subtract 1.02 from this arithmetic mean to obtain the substrate correction value. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall then subtract the substrate correction value from each XRF reading for the substrate requiring substrate correction to obtain the corrected XRF reading. For example, if the six readings taken on the NIST 1.02 standard film were 1.1, 1.3, 1.4, 1.0, 1.2, and 1.1, the arithmetic mean is calculated by the equation (1.1 + 1.3 + 1.4 + 1.0 + 1.2 + 1.1)/6 and is equal to 1.18. The substrate correction value is equal to 1.18 minus 1.02, or 0.16. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor does not conduct substrate correction where recommended by the performance characteristics sheet, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that all of the readings are positive and shall not state that a surface is free of lead-based paint.

(5) The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall classify each XRF reading that did not require substrate correction and each corrected XRF reading for XRF readings that required substrate correction as positive, negative, or inconclusive, according to the performance characteristics sheet for the XRF. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall not discard XRF readings unless instructed to do so by the performance characteristics sheet or the operating instructions from the manufacturer. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor believes that a reading classified as positive is in error, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall collect a paint sample for laboratory analysis. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall change the positive classification to negative only if the results of the laboratory analysis indicate that the surface is not painted with lead-based paint. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor may assume that all inconclusive readings are positive and classify them as such.

(6) The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall resolve inconclusive readings as defined by the performance characteristics sheet for the XRF by collecting paint samples for laboratory analysis. If the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor does not resolve inconclusive readings by laboratory analysis, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that the inconclusive readings are positive.

l. When conducting reevaluation in multifamily housing, a certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor may sample each residential dwelling or choose residential dwellings for sampling by random selection, targeted selection, or worst case selection.

(1) If built before 1960 or if the date of construction is unknown, the multifamily housing shall contain at least 20 similarly constructed and maintained residential dwellings in order to use random selection. If built from 1960 to 1977, the multifamily housing shall contain at least 10 similarly constructed and maintained residential dwellings in order to use random selection. The certified

lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use Table 1 to determine the number of residential dwellings to randomly select for testing.

(2) If the multifamily housing contains 5 or more similar residential dwellings, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor may use targeted selection. If using targeted selection, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use Table 2 to determine the number of residential dwellings to test. If the multifamily housing has fewer than 5 similar dwellings, all residential dwellings shall be tested. Residential dwellings chosen by targeted selection shall meet as many of the following criteria as possible. If additional residential dwellings are needed to meet the minimum number specified in Table 2, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall select them randomly. If too many residential dwellings meet the criteria, residential dwellings shall be eliminated randomly. Targeted selection criteria are as follows:

1. The residential dwelling has been cited with a housing or building code violation within the past year.

2. The property owner believes that the residential dwelling is in poor condition.

3. The residential dwelling contains two or more children between the ages of six months and six years. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall give preference to residential dwellings that house the largest number of children.

4. The residential dwelling serves as a child-occupied facility.

5. The residential dwelling has been prepared for reoccupancy within the past three months.

(3) If the multifamily housing contains 5 or more similar residential dwellings, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor may use worst case selection. If using worst case selection, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall use Table 2 to determine the number of residential dwellings to test. If the multifamily housing has fewer than 5 similar dwellings, all residential dwellings shall be tested.

(4) The following standards shall be used to determine the extent of lead-based paint hazards throughout multifamily housing that is sampled by random selection, targeted selection, or worst case selection:

1. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall calculate the arithmetic mean of the dust-lead levels for carpeted floors, uncarpeted floors, interior windowsills, and window troughs. If the arithmetic mean is greater than or equal to the level defined as a dust-lead hazard for the component, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall determine that a dust-lead hazard has been identified on the component throughout the multifamily housing. If the arithmetic mean is less than the level defined as a dust-lead hazard for the component, but some of the individual components have dust-lead levels that are greater than or equal to the level defined as a dust-lead hazard, then the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall determine that a dust-lead hazard has been identified on the individual components and on all other similar components throughout the multifamily housing.

2. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall evaluate the results of paint sampling by component and location. If all components at a given location are determined to be painted with lead-based paint or are determined not to be painted with lead-based paint, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor may assume this condition is true for all similar residential dwellings. The certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall not assume that the multifamily housing is free of lead-based paint. If a component at a given location is found to be painted with lead-based paint in some residential dwellings and not painted with lead-based paint in other residential dwellings, the certified lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor shall assume that the component is a lead-based paint hazard in all similar residential dwellings.

m. If reevaluation is conducted, the first reevaluation shall be conducted no later than two years from completion of lead abatement, interim controls, or standard treatments. Subsequent reevaluation

shall be conducted at intervals of two years, plus or minus 60 days. To be exempt from additional reevaluation, a residential dwelling or child-occupied facility shall have at least two consecutive passing reevaluations conducted at such two-year intervals. If, however, a reevaluation fails, at least two more consecutive reevaluations conducted at such two-year intervals must be conducted.

n. A certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where a reevaluation is conducted. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the reevaluation, if different. A certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of the report for no less than three years. The report shall include, at least:

(1) Date of each reevaluation;

(2) Address of building;

(3) Date of construction;

(4) Apartment numbers (if applicable);

(5) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;

(6) Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the reevaluation;

(7) Name and certification number of the certified firm(s) conducting the reevaluation;

(8) All of the information gathered for the review as outlined in 70.6(10)*"a"*;

(9) Results of the visual inspection including details of any newly identified lead-based paint hazards, the status of past lead hazards control measures, and repair options for any lead-based paint hazards identified during the reevaluation;

(10) An indication of whether or not the property passed or failed the reevaluation;

(11) An indication of when the next reevaluation, if any, should occur;

(12) The results of any environmental samples taken, including all XRF readings, all laboratory analyses and clearance testing results, if necessary;

(13) Name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples, including the identification number for each such laboratory recognized by EPA under Section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b));

(14) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745;

(15) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

(16) The report shall contain the following statement:

"The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a sampling technician, lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135)."

70.6(11) All renovations performed in target housing and child-occupied facilities, except for emergency renovations and minor repair and maintenance activities, shall be performed according to the work practice standards in 70.6(11). Renovation activities conducted in housing or on surfaces determined to be free of lead-based paint by a certified lead inspector/risk assessor or certified blood lead (EBL) lead inspector/risk assessor shall be exempt from all work practice standards except record keeping. All renovations shall be performed by a certified firm under the supervision of a certified lead abatement contractor or a certified lead abatement worker who completes initial certification on or after [insert the effective date of this amendment] or if certified prior to [insert the effective date of this amendment], completes a lead abatement worker, lead abatement contractor, or lead-safe renovator

refresher course on or after [insert the effective date of this amendment], or shall be performed by a certified lead-safe renovator in accordance with the requirements below.

a. A firm shall assign at least one certified lead abatement contractor, a certified lead abatement worker, or a certified lead-safe renovator to each individual renovation project. The certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator assigned to each individual renovation project shall ensure the following:

(1) A certified lead abatement contractor, a certified lead abatement worker, or a certified lead-safe renovator must be on site during all worksite preparation and during the cleanup of work areas. At all other times when renovation is being conducted, a certified lead abatement contractor, a certified lead abatement worker, or a certified lead-safe renovator shall be on site or available by telephone, pager, or answering service, and be able to be present at the worksite in no more than two hours.

(2) Signs are posted and readable. All signs must be posted before the renovation begins and must remain in place until the postrenovation cleaning verification has been completed.

1. To the extent practicable, all signage must be posted in the occupants' primary language.

2. The signs must clearly define the work area.

3. The signs must warn occupants and other persons not involved with the renovation activity to remain outside the work area.

4. The signs must be posted at the entrance(s) to all work areas.

(3) The work area must be effectively contained before beginning the renovation. To be effective, containment must:

1. Isolate the work area so that no dust or debris leaves the work area while the renovation is being performed.

2. Be monitored and maintained so that any plastic or other impermeable materials are not torn or displaced.

3. Be installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(4) For interior renovations, containment shall include:

1. The removal or covering of all objects from the work area, including but not limited to furniture, rugs, and window coverings. Objects that are not removed from the work area must be covered with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

2. Closing and covering all duct openings in the work area. Ducts must be covered with plastic sheeting or other impermeable material that is taped down.

3. Closing windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

4. Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of the surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

5. Ensuring that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving or being removed from the work area.

(5) For exterior renovations, containment shall include:

1. Closing all doors and windows within 20 feet of the renovation. On multistory buildings, all doors and windows within 20 feet of the renovation on the same story as the renovation shall be closed, and all doors and windows on all stories below the renovation that are the same horizontal distance from the renovation shall be closed.

2. Ensuring that doors within the work areas that will be used while the renovation is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

3. Covering the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground cover. Exterior

ground cover shall include anchors or weights to ensure the covering remains effective even during weather conditions such as high wind.

4. Vertical containment. In certain situations, such as where other buildings are in close proximity to the work area, when conditions are windy, or where the work area abuts a property line, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall erect a system of vertical containment designed to prevent dust and debris from migrating to adjacent property or contaminating the ground, other buildings, or any object beyond the work area.

(6) Prohibited practices are not used during the renovation. Prohibited practices include:

1. Open-flame burning or torching of paint.

2. Machine sanding or grinding or abrasive blasting or sandblasting of paint unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

3. Uncontained water blasting of paint.

4. Dry scraping or dry sanding of paint except in conjunction with the use of a heat gun or around electrical outlets.

5. Operating a heat gun at a temperature at or above 1100 degrees Fahrenheit.

(7) All workers that are not certified lead abatement contractors, certified lead abatement workers, or certified lead-safe renovators must have on-the-job training as required by 70.6(11)*"d."*

(8) If desired, perform all testing with recognized test kits in accordance with 70.6(11)*"e."*

(9) Perform the postrenovation cleaning verification as outlined in 70.6(11)*"b."*

(10) All waste generated during renovation activities is contained to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal. Any chutes used to remove waste from the work area shall be covered.

1. At the conclusion of each workday and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

2. All waste from renovation activities must be contained during transportation so that no dust or debris is released.

(11) The work area shall be cleaned so that no dust, debris, or residue remains after the renovation. Cleaning shall include:

1. The collection of all paint chips and debris and, without dispersing the paint chips and debris, the sealing of the materials in heavy-duty bags.

2. The removal of the protective sheeting used as required in this subrule. The sheeting shall be misted, then the sheeting shall be folded dirty side inward. All sheeting shall be taped shut or otherwise sealed inside heavy-duty bags. Sheeting used to separate work areas from non-work areas must remain in place until after the cleaning and removal of other sheeting. All sheeting shall be disposed of as waste.

3. For interior renovations, all objects and surfaces in the work area and within two feet of the work area must be cleaned from high to low in the following manner:

- Walls must either be vacuumed with a HEPA vacuum or wiped with a wet cloth, beginning at the ceiling and working toward the floor.
- All remaining surfaces including objects and fixtures must be thoroughly vacuumed with a HEPA vacuum. For carpeted floors and rugs, the HEPA vacuum must be equipped with a beater bar.
- All remaining surfaces, except for carpeted or upholstered surfaces, must also be wiped with a damp cloth. Uncarpeted floors must be thoroughly mopped using a method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.

b. Postrenovation cleaning verification. A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall use the following procedure for conducting postrenovation cleaning verification. In lieu of postrenovation cleaning verification, clearance testing as outlined in 70.6(8) can be performed. If the work is done in response to an elevated blood lead (EBL) inspection, clearance testing shall be performed by a certified elevated blood lead (EBL) inspector/risk

assessor in lieu of postrenovation cleaning verification. Warning signs may be removed after all of the work areas in a renovation project have been adequately cleaned and verified or passed clearance testing.

(1) For interior renovations, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall perform a visual inspection to determine whether dust, debris, or residue is still present. If dust, debris, or residue is still present, these conditions must be removed by recleaning, and another visual inspection must be performed. Following a successful visual inspection, a certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator must:

1. Verify that each windowsill and window trough in the work area has been adequately cleaned, using the following procedure:

- Wipe the windowsill and window trough with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.
- If the cloth does not match and is darker than the cleaning verification card, reclean the windowsill or window trough as directed in 70.6(11)*"a"*(11). Then wipe the windowsill or window trough again, using a new cloth or the same cloth folded in such a way that an unused surface is exposed. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.
- If the cloth does not match and is darker than the cleaning verification card, wait for one hour or until the surface has dried completely, whichever is longer.
- After waiting for the windowsill or window trough to dry, wipe the windowsill or window trough with a dry disposable cleaning cloth. After this wipe, that windowsill or window trough has been adequately cleaned.

2. Verify that uncarpeted floors and countertops in the work area have been adequately cleaned, using the following procedure. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet.

- Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for postrenovation cleaning verification. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches or is lighter than the cleaning verification card, the surface has been adequately cleaned.
- If the cloth does not match and is darker than the cleaning verification card, reclean the surface as in 70.6(11)*"a"*(11). Then, wipe the floor or countertop again, using a new cloth. If the cloth matches or is lighter than the cleaning verification card, that surface has been adequately cleaned.
- If the cloth does not match and is darker than the cleaning verification card, wait for one hour or until the surface has dried completely, whichever is longer.
- After waiting for the surface to dry, wipe each section of the surface that has not yet achieved the postrenovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that surface has been adequately cleaned.

(2) For exterior renovations, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall perform a visual inspection to determine whether dust, debris, or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris, or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, the exterior has been adequately cleaned.

(3) A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall only use postrenovation cleaning verification cards that are approved by the U.S. Environmental Protection Agency (EPA).

(4) A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall not use postrenovation cleaning verification cards that have expired.

c. Clearance testing. Cleaning verification is not required if the contract between the renovation firm and the person contracting for the renovation or another federal, state, territorial, tribal, or local law or regulation requires the renovation firm to perform dust clearance testing at the conclusion of a renovation covered by this chapter.

(1) The dust samples must be collected by a certified lead inspector/risk assessor, certified elevated blood lead (EBL) inspector/risk assessor, or certified sampling technician. If the work is done in response to an elevated blood lead (EBL) inspection, the dust samples must be collected by a certified elevated blood lead (EBL) inspector/risk assessor.

(2) The firm conducting the renovation is required to reclean the work area until the dust clearance sample results are below the clearance standards in subrule 70.6(8).

d. On-the-job training. The certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator assigned to the renovation project shall ensure that each noncertified individual conducting renovation activities has been or is currently being trained on how to safely conduct renovation activities.

(1) All on-the-job training shall be conducted by a certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator.

(2) Each noncertified individual shall be trained by a certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator that is employed by the same certified firm. A certified firm shall not accept on-the-job training that was performed by another firm.

(3) On-the-job training shall be specific for the type of work the noncertified individual is performing and must include at least the following topics:

1. An overview of the requirements described in this chapter.
2. An overview of the health effects of lead poisoning.
3. Methods to prevent taking lead dust home from the worksite.
4. How and why to properly set up a work area for lead-safe renovations.
5. How and where to properly post signage.
6. Personal protection.
7. How and why to properly set up containment.
8. How and why to minimize dust and debris.
9. Proper cleaning techniques and time lines for cleaning in renovation activities.
10. How to property handle and control waste generated from renovation activities.
11. An overview of the postrenovation cleaning verification and clearance testing.
12. An overview of the prerenovation notification requirements found in 641—Chapter 69.
13. Prohibited work practices.

e. Recognized test kits. A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator may use recognized test kits to determine whether surfaces to be affected by renovation activities are painted with lead-based paint. The result from each individual test performed applies only to the individual surface tested. Surfaces which are determined by proper use of a recognized test kit to be free of lead-based paint are exempt from the requirements of 70.6(11)*"a"* through *"d."* Results obtained from recognized test kits are only valid if the testing was performed according to the manufacturer's directions. Any results from test kits which are not recognized shall be invalid. A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall not discard a valid result from a recognized test kit.

f. A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator must complete a written report when conducting a renovation. The report shall include the results of any testing performed with a recognized test kit, information regarding the work practices used in the renovation and, if applicable, a copy of the clearance testing report. When the final invoice for the renovation is delivered or within 30 days after the renovation activity is complete, whichever is earlier, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall send a copy of the report to the owner of the building. If the renovation took place within a residential dwelling, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall send a copy of the report to an adult occupant of the residential

dwelling and to the person requesting the renovation, if different from the owner. If the renovation took place within a child-occupied facility, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall send a copy of the report to an adult representative of the child-occupied facility and to the person requesting the renovation, if different from the owner. If the renovation took place within common areas of multifamily target housing, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall post in areas where it is likely to be seen by the occupants of all of the affected units the report required by this paragraph or instructions on how interested occupants can obtain a copy of this report at no charge. If the renovation took place within a child-occupied facility, the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall post in areas where it is likely to be seen by the parents or guardians of children frequenting the child-occupied facility the report required by this paragraph or instructions on how interested parents or guardians of children frequenting the child-occupied facility can obtain a copy of this report at no charge. A certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator shall maintain a copy of the report for no less than three years. The report shall include, at least:

(1) The date(s) of the renovation.

(2) Address of the building, including apartment numbers, if applicable.

(3) The name, address, and telephone number of the owner(s) of the address(es) where the renovation took place.

(4) The name, address, signature, certification number, and telephone number of the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator who performed the renovation.

(5) The name and certification number of the certified firm performing the renovation.

(6) If testing was performed with a recognized test kit, the location of each test. The location shall be specific to the room and component.

(7) The results of testing. The results shall be classified as either positive for lead-based paint or negative for lead-based paint.

(8) The name and manufacturer of the recognized test kit(s) used, the expiration date, and the EPA approval number.

(9) The work practices used in the renovation, including the location(s) where each work practice was used. The location shall be specific to the room and component.

(10) If applicable, a copy of the clearance report.

(11) Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745.

(12) Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation, remodeling and repainting found in 641—Chapter 70.

g. Record keeping. Records shall be kept for each renovation project that involves target housing or child-occupied facilities. The records for each renovation shall include:

(1) The name and certification number of the certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator responsible for the renovation.

(2) The name and certification number of the certified firm.

(3) The address(es) of the property where the renovation activity was performed.

(4) The name, address, and telephone number of the property owner where the renovation activity was performed.

(5) Renovations considered emergency pursuant to 641—70.2(135) shall contain a description of the circumstances explaining why the renovations were immediately required and which work practice standards were not followed as a result.

(6) Any reports or documentation completed by a certified lead professional concerning the renovation project, including documentation from certified lead inspector/risk assessors or certified blood lead (EBL) lead inspector/risk assessors regarding housing, components, or surfaces that have

been determined to be free of lead-based paint and clearance reports from clearance testing performed in lieu of postrenovation cleaning verification.

(7) Documentation that each noncertified individual working on the renovation project had, or was receiving, the appropriate on-the-job training outlined in 70.6(11)*"d."* The documentation must include the names of all of the noncertified individuals who worked on the renovation.

(8) Documentation that the certified lead-safe renovator followed the work practices for renovation activities outlined in 70.6(11). This shall include documentation that the following work practices were followed:

1. Signs were posted at the entrance to the work area.
2. The work area was contained.
3. All objects in the work area were covered or removed.
4. All HVAC ducts in the work area were closed and covered.
5. All windows in the work area were closed, and all windows within 20 feet of exterior work areas were closed.
6. All doors not used to enter the work area were closed and sealed, and all doors within 20 feet of exterior work areas were closed and sealed.
7. All doors used as an entrance to the work area had containment in place to prevent the spread of dust and debris.
8. All floors in the work area were covered a sufficient distance to contain the dust and debris from the renovation.
9. Adequate ground cover was in place to contain the dust and debris for exterior renovations.
10. Adequate vertical containment was in place to contain the dust and debris for exterior renovations.
11. All of the waste generated during the renovations was contained all throughout the renovation and the transportation to disposal.

(9) Documentation that the renovation work area was cleaned and passed the postrenovation cleaning verification procedures outlined in 70.6(11)*"b,"* including the expiration date of the postrenovation cleaning verification cards used.

(10) Documentation regarding the use of any recognized test kits outlined in 70.6(11)*"e."* The documentation shall include a copy of the written report required by 70.6(11)*"f."*

h. Emergency renovations.

(1) Renovation activities that are deemed to be an emergency are exempt from the certification requirements and all of the work practice standards, except for the cleaning requirements, postrenovation cleaning verification, and the written report required by 70.6(11)*"f."* All postrenovation cleaning must take place under the direction of a certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator. The postrenovation cleaning verification after an emergency renovation must be performed by a certified lead abatement contractor, certified lead abatement worker, or certified lead-safe renovator.

(2) Emergency renovations that are required as a result of an elevated blood lead (EBL) inspection are initially exempt from the certification requirements. The work practice standards found in 70.6(11)*"a"* shall apply. All individuals that perform emergency renovations in response to an elevated blood lead (EBL) inspection are required to obtain certification as a lead-safe renovator, lead abatement contractor, or lead abatement worker within six months from the date the elevated blood lead (EBL) inspection report was issued. Renovations and interim controls performed in response to an elevated blood lead (EBL) inspection are required to pass clearance testing that is performed by a certified elevated blood lead (EBL) inspector/risk assessor.

~~**70.6(10)**~~ **70.6(12)** A certified elevated blood lead (EBL) inspection agency shall maintain for a period of at least 10 years the written records for all elevated blood lead (EBL) inspections conducted by persons that the agency employs or contracts with to provide elevated blood lead (EBL) inspections in the agency's service area.

~~**70.6(11)**~~ **70.6(13)** A person may be certified as a lead inspector/risk assessor, sampling technician, or elevated blood lead (EBL) inspector/risk assessor and as a lead abatement contractor or lead abatement

worker. Except as specified by paragraph ~~70.6(6)*"j"*~~ 70.6(6)*"k"* and paragraph 70.6(8)*"f,"* a person who is certified both as a lead inspector/risk assessor, sampling technician, or elevated blood lead (EBL) inspector/risk assessor and as a lead abatement contractor or lead abatement worker shall not provide both lead inspection or visual risk assessment and lead abatement services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

~~70.6(12)~~ 70.6(14) Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in subrules 70.6(1) to 70.6(6) and 70.6(9) shall be collected by persons certified as a lead inspector/risk assessor or an elevated blood lead (EBL) inspector/risk assessor. Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in subrule 70.6(8) for clearance testing following lead abatement shall be collected by persons certified as a lead inspector/risk assessor or an elevated blood lead (EBL) inspector/risk assessor. Any dust or soil samples collected pursuant to the work practice standards contained in subrule 70.6(8) for clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, and rehabilitation pursuant to 24 CFR 35.1340 shall be collected only by certified sampling technicians, certified lead inspector/risk assessors, or certified elevated blood lead (EBL) inspector/risk assessors. Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in 641—70.6(135) shall be analyzed by a recognized laboratory.

~~70.6(13)~~ 70.6(15) Composite dust sampling shall be conducted only in the situations specified in subrules 70.6(4) to 70.6(6) and 70.6(8). If composite sampling is conducted, it shall meet the following requirements:

a. to *c.* No change.

d. The results of composite dust samples shall be evaluated by comparing the residual lead level as determined by the laboratory analysis from each composite dust sample with applicable single-surface dust-lead hazard or clearance levels for lead in dust on floors, interior windowsills, and window troughs divided by half the number of subsamples in the composite sample. For example, the applicable clearance level for a composite window trough sample consisting of three subsamples would be 267 micrograms per square foot (400/1.5).

70.6(16) Reporting lead-based paint activities. A certified sampling technician, lead inspector risk/assessor, and elevated blood lead (EBL) inspector risk/assessor shall report to the department quarterly all lead-based paint activities that they perform. Lead-based paint activities include: lead-free inspections, lead inspections, risk assessments, lead hazards screens, visual risk assessments, and clearance testing.

a. Each certified sampling technician, lead inspector risk/assessor, and elevated blood lead (EBL) inspector/risk assessor shall provide the following information to the department electronically in a format specified by the department:

(1) Name and certification number of the certified sampling technician, lead inspector/risk assessor, or elevated blood lead (EBL) inspector/risk assessor who performed the lead-based paint activity.

(2) Name, address, telephone number, and certification number of the certified firm that performed the lead-based paint activity.

(3) Address where the activity took place. For each address, the report shall specify:

1. The type of activity.
2. Whether or not lead-based paint was identified, including paint assumed to be lead-based paint.
3. Whether or not lead-based paint hazards were identified, including assumed hazards.
4. Whether or not the address was free of lead-based paint pursuant to the requirements outlined in subrule 70.6(1).

b. Reports shall be due on January 15, April 15, July 15, and October 15 of each year.

ITEM 9. Amend rule 641—70.7(135), introductory paragraph, as follows:

641—70.7(135) Firms. All firms that perform or offer to perform lead-based paint activities ~~after September 15, 2000,~~ must be certified by the department. Firms shall employ only appropriately certified employees to conduct lead-based paint activities, and the firm and its employees shall follow

the work practice standards in 641—70.6(135) for conducting lead-based paint activities. A firm must employ at least one certified individual in order receive or maintain firm certification. Beginning April 22, 2010, firms that perform or offer to perform renovation must be certified by the department.

ITEM 10. Rescind and reserve rule **641—70.8(135)**.

ITEM 11. Amend rule 641—70.9(135) as follows:

641—70.9(135) Compliance inspections.

70.9(1) to **70.9(3)** No change.

70.9(4) The department may review all reports involving lead-based paint activities.

70.9(5) The department may issue subpoenas pursuant to 641—Chapter 173, Iowa Administrative Code, for the purposes of determining compliance.

ITEM 12. Amend rule 641—70.10(135) as follows:

641—70.10(135) Denial, suspension, or revocation of certification; denial, suspension, revocation, or modification of course approval; and imposition of penalties.

70.10(1) ~~Violators are subject to civil penalties pursuant to Iowa Code section 135.105A and 641—70.10(135) or to criminal penalties pursuant to Iowa Code section 135.38. The following are considered to be in violation of this chapter:~~ When the department finds that the applicant, certified lead professional, certified elevated blood lead (EBL) inspection agency, or certified firm has committed any of the following acts, the department may deny an application for certification, may suspend or revoke a certification, may prohibit specific work practices, may require a project conducted by persons or firms that are not certified or a project where prohibited work practices are being used to be halted, may require the cleanup of lead hazards created by the use of prohibited work practices, may impose a civil penalty, may place on probation, may require additional education, may require reexamination of the state certification examination, may issue a warning, may refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code section 135.38, or may impose other sanctions allowed by law as may be appropriate.

a. to *f.* No change.

g. Conducting any part of a lead-based paint activity that requires certification without being certified or with a certification that has lapsed.

h. Obtained documentation of training through fraudulent means.

i. Gained admission to an accredited training program through misrepresentation of admission requirements.

j. Obtained certification through misrepresentation of certification requirements or related documents pertaining to education, training, professional registration, or experience.

k. Performed work requiring certification at a job site without having proof of current certification.

l. Permitted the duplication or use of the individual's or firm's own certificate by another.

m. Failed to follow the standards of conduct required by 641—70.6(135).

n. Failed to comply with federal, state, or local lead-based paint statutes and regulations, including the requirements of this chapter.

o. For certified elevated blood lead (EBL) inspection agencies and certified firms, performed work for which certification is required with employees or persons under the control of the certified elevated blood lead (EBL) inspection agency or certified firm who were not appropriately certified.

p. Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of lead professional activities or engaged in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

q. Used untruthful or improbable statements in advertisements. This includes, but is not limited to, an action by a lead professional making information or intention known to the public that is false, deceptive, misleading, or promoted through fraud or misrepresentation.

r. Falsified reports and records required by this chapter.

s. Accepted any fee by fraud or misrepresentation.

t. Negligence by the firm or individual in the practice of lead professional activities. This includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice, or conditions that impair the ability of the firm or individual to safely and skillfully practice the profession.

u. Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

v. Failed to comply with the terms of a department order or the terms of a settlement agreement or consent order.

w. Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.

x. Failed to respond within 20 days of receipt of communication from the department that was sent by registered or certified mail.

y. Engaged in any conduct that subverts or attempts to subvert a department investigation.

z. Failed to comply with a subpoena issued by the department or failure to cooperate with a department investigation.

aa. Failed to pay costs assessed in any disciplinary action.

ab. Been convicted of a felony or misdemeanor related to lead professional activities or the conviction of any felony or misdemeanor that would affect the ability of the firm or individual to perform lead professional activities. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

ac. Unethical conduct. This includes, but is not limited to, the following:

(1) Verbally or physically abusing a client or coworker.

(2) Improper sexual conduct with or making suggestive, lewd, lascivious, or improper remarks or advances to a client or coworker.

(3) Engaging in a professional conflict of interest.

(4) Mental or physical inability reasonably related to and adversely affecting the ability of the firm or individual to practice in a safe and competent manner.

(5) Being adjudged mentally incompetent by a court of competent jurisdiction.

(6) Habitual intoxication or addiction to drugs.

1. The inability of a lead professional to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

2. The excessive use of drugs which may impair a lead professional's ability to practice with reasonable skill or safety.

3. Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

70.10(2) Reserved. ~~The department may deny an application for certification, may suspend or revoke a certification, may impose a civil penalty, or may refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code section 135.38 when it finds that the applicant, certified lead professional, certified elevated blood lead (EBL) inspection agency, or certified firm has committed any of the following acts:~~

~~*a.* Obtained documentation of training through fraudulent means.~~

~~*b.* Gained admission to an accredited training program through misrepresentation of admission requirements.~~

~~*c.* Obtained certification through misrepresentation of certification requirements or related documents pertaining to education, training, professional registration, or experience.~~

~~*d.* Performed work requiring certification at a job site without having proof of current certification.~~

~~*e.* Permitted the duplication or use of the individual's or firm's own certificate by another.~~

~~*f.* Performed work for which certification is required, but for which appropriate certification had not been received.~~

~~*g.* Failed to follow the standards of conduct required by 641—70.6(135).~~

~~*h.* Failed to comply with federal, state, or local lead-based paint statutes and regulations, including the requirements of this chapter.~~

~~*i.* For certified elevated blood lead (EBL) inspection agencies and certified firms, performed work for which certification is required with employees or persons under the control of the certified elevated blood lead (EBL) inspection agency or certified firm who were not appropriately certified.~~

~~*j.* Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of lead professional activities or engaged in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.~~

~~*k.* Used untruthful or improbable statements in advertisements. This includes, but is not limited to, an action by a lead professional making information or intention known to the public that is false, deceptive, misleading, or promoted through fraud or misrepresentation.~~

~~*l.* Falsified reports and records required by this chapter.~~

~~*m.* Accepted any fee by fraud or misrepresentation.~~

~~*n.* Negligence by the firm or individual in the practice of the lead professional activities. This includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice, or conditions that impair the ability of the firm or individual to safely and skillfully practice the profession.~~

~~*o.* Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.~~

~~*p.* Failed to comply with the terms of a department order or the terms of a settlement agreement or consent order.~~

~~*q.* Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.~~

~~*r.* Failed to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail.~~

~~*s.* Engaged in any conduct that subverts or attempts to subvert a department investigation.~~

~~*t.* Failed to comply with a subpoena issued by the department or failure to cooperate with a department investigation.~~

~~*u.* Failed to pay costs assessed in any disciplinary action.~~

~~*v.* Been convicted of a felony related to lead professional activities or the conviction of any felony that would affect the ability of the firm or individual to perform lead professional activities. A copy of the record of conviction or plea of guilty shall be conclusive evidence.~~

~~*w.* Unethical conduct. This includes, but is not limited to, the following:~~

~~(1) Verbally or physically abusing a client or coworker.~~

~~(2) Improper sexual conduct with or making suggestive, lewd, lascivious, or improper remarks or advances to a client or coworker.~~

~~(3) Engaging in a professional conflict of interest.~~

~~(4) Mental or physical inability reasonably related to and adversely affecting the ability of the firm or individual to practice in a safe and competent manner.~~

~~(5) Being adjudged mentally incompetent by a court of competent jurisdiction.~~

70.10(3) The department may deny, suspend, revoke, or modify the approval for a course, or may place on probation, or impose other sanctions allowed by law as may be appropriate, or may impose a civil penalty or may refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code section 135.38 when it finds that the training program, training manager, or other person with supervisory authority over the course has committed any of the following acts:

a. to *m.* No change.

~~*n.* Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.~~

~~*o.*~~ *n.* Failed to respond within ~~30~~ 20 days of receipt of communication from the department that was sent by registered or certified mail.

~~*p.*~~ *o.* Engaged in any conduct that subverts or attempts to subvert a department investigation.

~~*q.*~~ *p.* Failed to comply with a subpoena issued by the department or failure to cooperate with a department investigation.

~~*r.*~~ *q.* Failed to pay costs assessed in any disciplinary action.

70.10(4) and **70.10(5)** No change.

70.10(6) Appeals.

a. No change.

b. An appeal of a denial, suspension or revocation or other disciplinary action shall be submitted by certified mail, return receipt requested, within ~~30~~ 20 days of the receipt of the department's notice to the Iowa Department of Public Health, Lead Poisoning Prevention Program, 321 East 12th Street, Des Moines, Iowa 50319-0075. If such a request is made within the ~~30~~ 20-day time period, the notice of denial, suspension or revocation or other disciplinary action shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the denial, suspension or revocation or other disciplinary action has been or will be removed. After the hearing, or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the denial, suspension or revocation or other disciplinary action. If no appeal is submitted within ~~30~~ 20 days, the denial, suspension or revocation or other disciplinary action shall become the department's final agency action.

c. to *i.* No change.

j. Any petition for judicial review of a decision and order shall be filed in the district court within ~~30~~ 20 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service to the Iowa Department of Public Health, Lead Poisoning Prevention Program, 321 East 12th Street, Des Moines, Iowa 50319-0075.

k. No change.

70.10(7) Public notification.

a. and *b.* No change.

c. The public shall be notified of the suspension or revocation of the certification of a lead professional or firm.

d. The department shall maintain a list of lead professionals and firms for which certification has been suspended or revoked.